



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 1111-23
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 23 March 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board carefully considered your request to remove an Administrative Remarks (Page 11) 6105 counseling entry, dated 21 May 2021, because the entry was submitted without proper legal review and without the Commanding Officer's (CO's) approval. Further, you contend that before the Page 11 was uploaded, an email, which you provided as supporting evidence, was sent requesting the entry not be uploaded into your Official Military Personnel File (OMPF) but did not receive a response.

The Board determined the contested counseling entry of 21 May 2021 creates a permanent record of matters the issuing CO deemed an essential part of your military history. The Board noted the counseling entry, which met the requirements detailed in MCO P1070.12K W/CH 1 (IRAM), is a valid counseling entry. Specifically, the Board noted the entry provided the opportunity to rebut the entry, which you chose not to exercise, and was appropriately issued by the CO as evidenced by his signature on the entry. The Board, noting the email requesting to "pull back" the 6105 was sent by the command adjutant and without any indication in the record that the issuing CO requested the action, determined the counseling should remain in your record. The Board thus concluded there is insufficient evidence of material error or injustice

warranting the removal of the 21 May 2021 counseling entry. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/14/2023

