



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

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Docket No. 1338-23
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 14 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 your 16 January 2020 Administrative Remarks 6105 (page 11) counseling entry and associated rebuttal. The Board considered your contention that you received a commendatory fitness report as well as the Navy and Marine Corps Achievement Medal during the reporting period. You also contend the Director, Recruiting School was not authorized to sign the counseling entry.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for making false statements to your chain of command and misusing your teaching platform to advance the agenda of external agencies against the explicit direction of your chain of command. The Board also noted you acknowledged the entry and in your statement, you acknowledged how your actions could be perceived. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer signed the entry, and

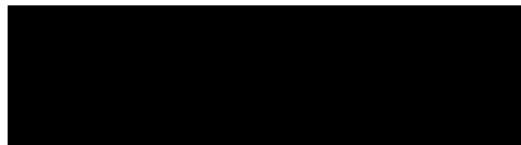
he/she determined that your substandard performance/misconduct was a matter essential to record, as it was his/her right to do. The Board found no evidence that the individual that signed your counseling entry was not authorized to do so and you provided none.

The Board noted your fitness report during the contested reporting period was not mark adverse for receiving a counseling entry. The Board also noted according to the Marine Corps Performance Evaluation System Manual, the issuance of a counseling entry does not automatically require the Reporting Senior (RS) to mark a fitness report adverse. The Board determined the RS exercised his/her discretionary authority and decided your misconduct did not warrant an adverse fitness report. The Board also determined your receipt of a personal award and fitness report not being adverse does not invalidate the counseling entry. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, 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,

3/31/2023

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Deputy Director

Signed by: 