



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

█  
Docket No. 1633-23  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 April 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.

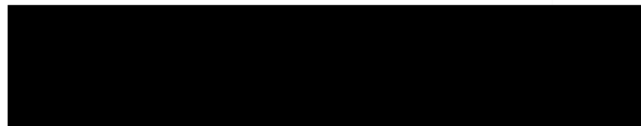
The Board carefully considered your request to remove an Administrative Remarks (Page 11) 6105 counseling entry dated 22 June 2021 from your Official Military Personnel File (OMPF). You submitted "corrections" that relate "to the punishment that [you] received." Specifically, you were "unaware of the predicament [you] were walking into" but you instantly questioned what the Marine was doing and why. Further, when you had a chance, you removed the Private First Class (PFC) from the situation, asked if he was okay, and questioned him on whether he needed to report or talk to anyone. Additionally, you contend later the same evening, you reported the incident to your leadership and the following day you reported it to your Company First Sergeant. You also explained that you were "more than compliant to work with the legal team" so PFC could "receive justice from what happened to him." Specifically, you gave a voluntary statement so the legal team could "help this Marine and know the truth." After the investigation was launched, you contend you were "open and honest about the events that occurred" and submitted your statements of fact to the investigating officer. The Board also carefully considered the copies of letters of recommendations provided to the Commanding General when you were seeking reenlistment.

The Board, however, determined the counseling entry of 22 June 2021 creates a permanent record of matters your commanding officer (CO) deemed significant enough to document. The Board also determined the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted the entry provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. You were afforded the opportunity to rebut the counseling entry and your statement provided in rebuttal to the counseling entry is located with the counseling entry in your OMPF. Further, the Board noted the entry was appropriately issued by the CO as evidenced by his signature on the entry. The Board considered the "corrections" but noted the information was available to the CO when he counseled you and its reiteration to the Board does not overcome the presumption of regularity that attaches to the CO's decision to counsel you for failure to stop the hazing or report the incident. Further, the Board considered the letters of recommendation but concluded the information remains insufficient to overcome the presumption your CO appropriately took an authorized action when he counseled you. The Board thus concluded there is insufficient evidence of material error or injustice warranting the removal of the 22 June 2021 counseling entry from your record. 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,

5/11/2023

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Deputy Director

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