



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

■
Docket No. 1797-23
Ref: Signature Date

Dear ■

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 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 the 18 January 2022 Administrative Remarks 6105 (page 11) entry. You also request to modify the fitness report for the reporting period 20 August 2021 to 31 December 2021. The Board considered your statement that the page 11 entry was issued for failing to complete the semi-annual height and weigh-in. As evidence, you provided a 15 July 2021 physical fitness test/combat fitness test (PFT/CFT) performance worksheet signed on 18 August 2022.

The Board, however, determined that your page 11 entry is valid. In this regard, 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 failing to conduct a weigh-in during the 1 July 2021 to 31 December 2021 semi-annual period in violation of the Marine Corps Body Composition and Military Appearance Program (BCP/MAP) Manual. The Board also noted that you acknowledged the entry and, although you elected to make a statement, no statement was found in your record. The Board also determined that the contested page 11 entry was written and issued according to the MARCORSEPMAN. Specifically, the page 11 entry provided written notification concerning your deficiencies, specific

recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your CO 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 noted that according to the BCP/MAP Manual, weigh-ins are a calendar year semi-annual requirement for all active duty Marines, regardless of age, grade, gender, or duty assignment. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board determined that your evidence was insufficient to validate your completion of the required weigh-in. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Concerning your request to remove your fitness report for the reporting period 20 August 2021 to 31 December 2021, the Board determined that you have not exhausted your administrative remedies. The Performance Evaluation Review Board (PERB) is the initial action agency for fitness report appeals, therefore, you must submit your request to the PERB according to the Marine Corps Performance Evaluation Appeals Manual.

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,

3/25/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]