



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

██████████
Docket No. 1979-23
Ref: Signature Date

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██
██

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 21 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 applications, 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 17 August 2022 Administrative Remarks 6105 counseling entries. The Board considered your contention that the counseling entries were issued on the same date, are similar in wording, and you were not given adequate time to correct the identified deficiencies.

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 repeated absenteeism over the past ten months that interfered with the performance of your duties, and precluded your availability for worldwide assignment. On the same date, you were issued a 6105 entry counseling you for performing your tasks and duties in a manner that did not contribute to unit readiness and/or mission accomplishment, despite receiving in-person instruction and coaching. The Board also noted that you refused to acknowledge the counseling entries, forfeiting your right to submit rebuttal statements. The Board determined that the contested counseling entries were written and issued according to the MARCORSEPMAN. Specifically, the counseling entries 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.

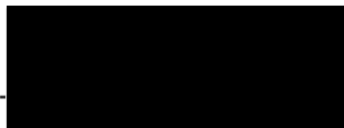
Moreover, your commanding officer (CO) signed the counseling entries, which were witnessed by the company first sergeant, and he/she determined that your substandard performance was a matter essential to record, as it was his/her right to do.

The Board noted that both counseling entries were issued on the same date and determined that the entries are not similar in wording. The Board also noted that according to the counseling entries your substandard performance persisted for more than ten months and you received assistance and coaching without reasonable improvement. The Board, also determined that your CO acted within his discretionary authority when deciding that your counseling entries were warranted. Moreover, 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 found your evidence insufficient to overcome this presumption. 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,

4/14/2023

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Deputy Director

Signed by: 