



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

██████████
Docket No. 2110-23
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 4 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 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 5 August 2021, 15 February 2022, an 8 March 2022 Administrative Remarks 6105 (page 11) counseling entries. The Board considered your contentions that the administrative separation (ADSEP) board found no basis and recommended that you be retained. The Board also considered your claim that if the counseling entry is not removed, your potential for further service will be limited.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), on 5 August 2021 and 15 February 2022 you were issued a 6105 entry counseling you for the wrongful use of a controlled substance and notifying you that it was unlawful to receive, possess, ship, or transport firearms or ammunition for personal purposes for a period of 12 months. The Board also noted that you acknowledged the counseling entries, and although you elected to submit a statement on 5 August 2021, there was no evidence of a statement in your record. Moreover, 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 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, thus determined that the CO relied upon sufficient evidence and acted within his/her discretionary authority when deciding that your counseling entry was warranted.

In addition, pursuant to the Marine Corps Individual Records Administration Manual (IRAM), on 8 March 2022, you were issued a counseling entry notifying you that you were eligible but not recommended for promotion due to recent or pending legal action. You acknowledged the entry, and elected not to submit a statement.

The Board noted the correspondence from the Commanding Officer (CO), however, the Board found it insufficient to warrant removal of the contested counseling entries. The Board also noted that, although the results of the urinalysis were negative, you admitted to using cocaine. According to the IRAM, commanders are required to document all confirmed incidents of illegal drug involvement. The Board also noted that your ADSEP board unanimously found that the preponderance of evidence did not prove any of the acts or omission alleged in the notification and recommended your retention. The Board, however, determined that the ADSEP board is a separate processes from with the fundamental purpose of determining your suitability to serve on the basis of your conduct and ability to meet and maintain the required standards of performance. The Board also determined that the ADSEP board's findings do not invalidate the counseling entries. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the contested counselings. 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,

4/24/2023

