



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

██████████  
Docket No. 2333-23  
Ref: Signature Date

██  
██  
██

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 7 September 2022 Administrative Remarks (Page 11) counseling entry and associated rebuttal statement. The Board considered your contention that there were errors in the findings and outcome of the investigation. Specifically, you claim that the allegations of your involvement were unsubstantiated.

The Board noted that pursuant to the Marine Corps Individual Records Administration Manual (IRAM), you were issued a Page 11 entry notifying you that you had been briefed on the Command Investigation surrounding the loss of a binocular night vision device. The investigation concluded that you were negligent in your duties as gear guard. The Board also noted that you acknowledged the counseling entry and in your statement, you disagreed with the counseling due to the biased opinion of the Investigating Officer, the collective narrative of those involved, and the lack of details gathered during the investigation. You also claimed that at no time during the training evolution were you assigned as gear watch.

The Board determined that the contested counseling entry was written and issued according to the IRAM. You acknowledged the counseling entry 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, and relied on the findings of the command investigation, 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.

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 concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the page 11 entry and associated rebuttal 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,

4/24/2023

A large black rectangular redaction box covering the signature area.

Deputy Director

Signed by: 