



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

██████████  
Docket No. 2351-23  
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 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 30 January 2023 Administrative Remarks 6105 (page 11) counseling entry. The Board considered your contentions that the time frame annotated on the counseling entry is in error as you did not check in to your unit until July 2022, as well as your claim that you chose to submit a rebuttal but it is not in your record.

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 unprofessional conduct and relationship with a junior Marine from March of 2022 until October 2022. The Board also noted that you acknowledged (signed) the counseling entry. The Board determined that the contested counseling entry was written and issued according to the MARCORSEPMAN. Specifically, the counseling 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 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 regards to your contention that the March 2022 date is in error, the Board noted that although your official permanent change of assignment orders have a report date of no earlier than 28 July and no later than 29 July 2022, the Board noted that you have been stationed in the same geographical location, [REDACTED], [REDACTED], since 8 April 2021. Therefore, the Board determined it is reasonable that your inappropriate relationship commenced in March 2022. The fact your CO chose to document a deficiency that commenced prior to your reporting to the command, but continued while assigned to the command, was determined not to be prohibited by the MARCORSEPMAN.

Finally, the Board noted although you elected to submit a statement, the Board found no evidence of a statement in your record, and you provided none. Therefore, the Board determined the presumption of regularity applies. 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 the removal of the 6105 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,

4/24/2023

[REDACTED]

Deputy Director

Signed by: [REDACTED]