



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

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Docket No. 3458-23
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 May 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your Administrative Remarks (Page 11) 6105 counseling entry dated 21 August 2019. The Board considered your contention that Marine Corps Bulletin (MCBul) 1020 changed on 29 October 2021, thus making your tattoo in question within regulations.

The Board, however, determined that by signing the Page 11, your Commanding Officer (CO) indicated that he believed it to be appropriate based at the time of issuance. The Board noted that you certified the information in the Page 11 as correct and signed the entry, documenting your tattoo not to be in compliance. The Board further noted that in the Page 11 entry, your tattoo was individually documented according to specific location. The Board thus determined that the issuing officer was well within his discretionary authority to issue the Page 11 entry at

the time, and that the entry met the counseling requirements in accordance with MCBul 1020 dated 2 June 2016 and paragraph 1004.1C of MCO 1020.34H, which were in effect at the time of issuance.

Furthermore, although your tattoo is in compliance with the most current tattoo policy, neither MCBul 1020 dated 29 October 2021 or MCO 1020.3G, the current Marine Corps Uniform Regulations, mentions removal of previous Page 11 entries documenting tattoos not in compliance. The Board thus determined the Page 11 entry is a matter of record and therefore concluded issuance of the entry does not constitute probable material error, substantive inaccuracy or injustice warranting removal from your official military personnel file. 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,

6/2/2023

