



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. 3660-23
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 11 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 application, 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 two Administrative Remarks (Page 11) 6105 counseling entries dated 24 May 2014 and 27 July 2016 from your Official Military Personnel File because the entries have had a significant impact on your ability to lateral move to “certain” Military Occupational Specialties and, after ten years, “it can be argued that the penalty is no longer necessary or effective.” Although there may be “valid reasons for imposing such consequences,” you further contend “there are also reasons why such a record should be removed after ten years.” Lastly, you contend unauthorized absences have had “long-lasting negative consequences” on your record.

The Board, however, determined the counseling entries in question create permanent records of matters your commanding officers (COs) deemed significant enough to document. The Board also determined the entries met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted the entries provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the

recommended corrective action. You were afforded the opportunity to rebut each of the counseling entries but you did not avail yourself of those opportunities. Further, the Board noted the entries were appropriately issued by a CO as evidenced by signatures on the entries. The Board carefully considered your contentions but determined the passage of time does not, by itself, warrant removal of entries the CO deemed necessary and appropriate when issued. The Board thus concluded there is insufficient evidence of material error or injustice warranting the removal either counseling 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,

6/5/2023

