



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

█  
Docket No. 7270-23  
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 applications on 19 September 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 Administrative Remarks (Page 11) 6015 counseling entry dated 1 March 2021. Although you did not provide any contentions for the Board to consider, you submitted as evidence, your fitness report (Fitrep) for the reporting period for consideration.

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 violation of Article 128b of the Uniform Code of Military Justice. Specifically, for domestic violence. The Board also noted that the 6105 documented the 16 December 2020 Incident Determination Committee's determination that the allegations of physical and emotional abuse met the criteria for abuse. The Board further noted that you acknowledged the entry and elected to submit a statement. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. Specifically, the 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 entry, and he/she determined that your misconduct was a matter essential to record, as it was his/her right to do. The Board

determined that your CO acted properly and within his discretionary authority when determining that your misconduct warranted the page 11 entry. 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, in making their decision, acknowledged the evidence you provided, to include your rebuttal statement and, despite your objections, determined that the counseling entry is valid. The Board considered the Fitrep you provided as evidence, perhaps to show that your actions were not documented in the Fitrep; however, determined that there was no requirement for the command to issue you an adverse Fitrep based on the Page 11. The Board further took into consideration MCO 1754.11A (Family Advocacy and General Counseling Program), which states “commanders may not take adverse administrative or disciplinary action against a Service member based solely upon the Incident Status Determination for an act of domestic abuse.” However, the Board determined that the Page 11 was not issued solely based on the IDC. As a result, the Board found the evidence presented insufficient to overcome the presumption of regularity in your case. Therefore, the Board concluded that there is no probable material error, substantive inaccuracy or injustice warranting removal of the Page 11 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,

9/27/2023

