



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

█  
Docket No. 7378-23  
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 application 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 29 November 2022 Administrative Remarks 6105 (page 11) counseling entry and associated rebuttal statement. The Board considered your assertion that removal of the counseling entry will give you the opportunity to be promoted within the Marine Corps and your assertion that, since this incident, you have grown into a better leader, mentor, human-being, and Marine overall.

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 violating paragraph 8 of the Marine Corps Prohibited Activities and Conduct Prevention and Response Policy by wrongfully making deliberate and repeated unwelcome and offensive verbal comments and acts of a sexual nature to a subordinate Marine, which created an intimidating and offensive working environment. The Board also noted that you acknowledged the counseling entry and, in your rebuttal statement, admitted that you displayed a lack of judgement and leadership skills. The Board also considered that since the mishap you have been given another chance to improve and accomplish the tasks assigned while holding Staff Noncommissioned Officer Billets during a Field Supply and Maintenance Analysis Office visit. However, 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.

Regarding your assertion that removal of the counseling entry will give you the opportunity to be promoted and that you have grown into a better leader, mentor, human-being, and Marine overall, the Board determined this is conjecture the Board cannot validate. Furthermore, the Board determined your recent good behavior does not invalidate the need to document your prior history of prohibited actions.

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. Therefore, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the 6105 counseling entry and associated rebuttal statement. 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,

10/4/2023

