



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 consuming alcohol while on duty as evidenced by the Command Investigation. The Board also noted that you acknowledged the counseling entry and, in your statement, argued that you did not consume alcohol and were not in a duty status at the time of the incident. The Board, however, 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.

According to your CO's relief for cause request, a command investigation substantiated DI misconduct, provided the factual basis supporting his request, and subsequently formed the basis for your counseling entry. The Board determined that your CO was best situated to assess and weigh the circumstances of your case and to determine that your counseling entry and relief for cause were warranted. The Board found no evidence of a nexus between your relief for cause and the purported relief of your chain of command, and you provided none. Moreover, the absence of a blood alcohol test or breathalyzer is not a basis to invalidate properly investigated and substantiated misconduct.

Concerning your DI ribbon, according to the Navy and Marine Corps Awards Manual, "Marines assigned to drill instructor duty (MOS 0911) are eligible to receive the ribbon upon completion of a successful tour of duty." Based on your relief for cause, termination of your special duty assignment pay and misconduct, the Board determined that you did not successfully your tour of duty as a DI. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the counseling entry or issuance of a DI ribbon. 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,

1/16/2024

