



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

█  
Docket No. 10169-23  
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 December 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 6105 counseling entry dated 11 April 2022. The Board considered your contention that the entry is references a positive urinalysis that was the result of a prescription medication that was not properly recorded in your medical record at the time of the alleged offense. You submitted a letter from the Commanding Officer (CO), █, which states the entry was erroneously submitted and recommends removal.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 counseling you for wrongful use of a controlled substance. The Board also noted that you acknowledged the counseling entry and elected submitted a statement, but it was not included with your application nor was it in your Official Military Personnel File (OMPF). The Board determined that the contested counseling entry was written and issued according to the MARCORSEPMAN. Moreover, your CO signed the counseling entry, and determined that your misconduct was a matter essential to record. The Board determined that your CO acted properly and within his discretionary authority when determining that your misconduct warranted the counseling entry. Additionally, 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 acknowledged the correspondence provided by the CO and determined that the correspondence was too vague in the reasoning for removal and the Board was not persuaded to remove it from your OMPF. The Board thus determined you failed to provide evidence that the illegal drug use was due to a medical prescription. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting relief and removal from your OMPF.

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,

1/20/2024

