



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. 10526-23
Ref: Signature Date

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Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 27 February 2024. 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 12 October 2022 Administrative Remarks (Page 11) 6105 counseling entry and associated rebuttal. The Board also considered your request to remove your 11 January 2023 Administrative Remarks (Page 11). The Board considered your contentions that command investigation (CI) was unfairly biased against you since it identified you as the principle offender. In addition, you contend that the investigation implicated multiple recruiters who received varied disciplinary actions and the CI expanded to reveal the potential involvement of the station commander.

In regards to your contention that the Command Investigation (CI) was unfairly biased against you, identifying you as the principle offender, the Board noted that the Commanding General, Marine Corps Recruit Depot endorsed the CI substantiating recruiter malpractice which led to your relief for cause and the issuance of the counseling entry. Next, the Board noted you also

submitted a Request Mast based upon your contention that you were wrongfully accused of recruiter malpractice. However, on 1 March 2023 your request was adjudicated by the CO who indicated that the investigation had been reviewed at multiple levels and determined the investigation was found to be found sufficient as completed. As a result, the CO recommended denial of your request pursuant to MCO 1700.23G. Although the Commanding General (CG) could have denied your request, she accepted your request mast and, upon hearing your argument, determined there was insufficient evidence to reopen the CI and no further action was required. You indicated that you were dissatisfied with the CG's determination and submitted a Prohibited Activities and Conduct Complaint; however, on 25 May 2023, it was dismissed.

Similarly, you claim that the investigation implicated multiple recruiters who received varied disciplinary actions and the CI also revealed the potential involvement of the station commander. However, each case is considered on its own merit. Therefore, the Board determined the purported status of another Marine's record has no bearing on your case. Thus, the Board determined your misconduct was properly investigated, substantiated, and adjudicated via multiple channels and determined you provided insufficient evidence to support any of your claims.

Concerning your counseling entry that was issued on 12 October 2022, this Board previously determined that by signing the counseling entry, your commanding officer (CO) indicated that he believed it to be appropriate based on the facts and circumstances, and using a preponderance of the evidence standard. After careful consideration of your application for reconsideration and review of the entire record, the present panel of the Board reached the same conclusion. The Board determined the issuing officer was well within his discretionary authority to issue the counseling entry at the time, and that the entry met the counseling requirements in accordance with the Marine Corps Individual Records Administration Manual and Marine Corps Separation and Retirement Manual. Thus, the Board concluded there is no probable material error, substantive inaccuracy, or injustice warranting removal of either counseling entry or your rebuttal statement. Accordingly, given the totality of the circumstances, the Board determined that your request for removal does not merit relief.

Concerning your request to remove your fitness report for the reporting period 1 June 2022 to 31 December 2022, the Board determined that you have yet not exhausted your administrative remedies and you must first submit your request to Headquarters, Marine Corps (PERB) according to the Marine Corps Performance Evaluation System Manual.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

3/13/2024

