



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. 10701-23
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 11 January 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 the 2 April 2019 Administrative Remarks (page 11) entry. The Board considered your contention that the "6105" was given to you in an unfair way. You claim you did not have any signed counseling or bad paperwork in your training jacket before this "6105". As evidence, you provided your rebuttal statement to explain the situation.

The Board noted that pursuant to the Marine Corps Individual Records and Administration Manual (IRAM), you were issued a page 11 entry counseling you for violating Recruiting Station Riverside Order 19-2, the Staff Non-commissioned Officer-in-Charge Substandard Performance Program. The Board also noted that you acknowledged the entry and submitted a statement. The Board determined that the counseling entry was written and issued according to the IRAM. Specifically, the entry provided written notification concerning your deficiencies,

and it afforded you the opportunity to submit a rebuttal. Moreover, your Commanding Officer (CO) signed the entry, and he/she determined that your substandard performance was a matter essential to record, as it was his/her right to do. The Board noted, too, that you received other forms of counseling and failed to accomplish your assigned recruiting mission for two consecutive months. The Board found no evidence that the contested counseling entry was issued in an unfair way. The Board also determined that your CO was best situated to evaluate your performance and to determine that your counseling entry was warranted. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

1/25/2024

