



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

█  
Docket No. 9673-23  
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 29 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 carefully reconsidered your request to remove an Administrative Remarks (6105) counseling entry dated 23 October 2013 from your official military personnel file (OMPF). Specifically, on 21 July 2022, this Board determined the counseling entry was valid and concluded there was insufficient evidence of material error or injustice warranting its removal. In your recent application, you again contend the counseling entry is in error and unjust because the accusations made against you by your former spouse were false, and you assert her sworn testimony as part of your recent security clearance investigation substantiates your contention. Further, you contend you have maintained your innocence and should not have been compelled to sign the counseling entry.

The Board, after careful consideration of the new evidence, again determined the counseling entry of 23 October 2013 creates a permanent record of matters your commanding officer deemed significant enough to document. The Board also determined the entry met the 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted the entry provided written notification concerning your deficiencies, specific recommendations for corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective

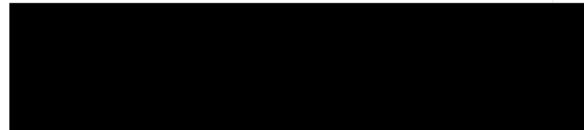
action, and a reasonable opportunity to undertake the recommended corrective action. You availed yourself of the opportunity to rebut the counseling by providing a rebuttal statement on 30 October 2013, which has been properly added to your OMPF alongside the counseling. Further, the Board noted the entry was appropriately issued by a commanding officer as evidenced by his signature on the entry. The Board carefully considered your contentions but noted the new evidence does not render the counseling invalid. After his review of the evidence, the commanding officer, who has wide discretion regarding the subject matter of a counseling entry, determined a 6105 entry was warranted because “you were the subject of a domestic dispute incident which resulted in intervention by the Provost Marshall’s Office and subsequent [Naval Criminal Investigative Service] investigation based on multiple spousal abuse claims.” The Board concluded there is insufficient evidence of material error or injustice warranting the removal of the 23 October 2013 counseling entry.

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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

3/27/2024



Deputy Director

Signed by: 