



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

█  
Docket No. 2228-24  
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 April 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 considered your request to remove the Administrative Remarks (Page 11) 6105 counseling entry dated 28 August 2023. Specifically, you contend the side effects of the medicine you were prescribed after you were medically dropped from Drill Instructor School “made [you] have a lapse in judgment, causing [your] leadership to think [you] were being disrespectful towards them.” You also contend you were unaware of the side effects the change in dosage from 10mg to 50mg would cause. Additionally, you explain that you were not told transportation to █ would be provided or that, after driving your own vehicle, you would need a parking pass from █. Lastly, you contend that after explaining your situation to the Sergeant Major and leadership, “they wanted nothing to do with [you] or what [you] had to say about the medication.”

The Board, however, determined the contested counseling entry creates a permanent record of matters your commanding officer deemed significant enough to document. The Board also determined the counseling 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. The Board also noted you were provided an opportunity to rebut the counseling entry but chose not to provide a rebuttal statement. Further, the Board noted the entry was appropriately issued by a commanding officer as evidenced by his signature on the counseling entry. The Board, noting you did not provide any evidence regarding your contended mental health condition or prescribed medications, carefully considered your contentions but determined the commanding officer has wide discretion regarding the subject matter of a counseling entry, and it is within his discretionary authority to determine if and when a 6105 counseling entry is warranted. The Board concluded there is insufficient evidence of material error or injustice warranting the removal of the 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.

Sincerely,

4/23/2024

