



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

█
Docket No. 3445-24
Ref: Signature Date

█
█
█

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 23 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 21 June 2023 Administrative Remarks (Page 11) entry and rebuttal statement. The Board considered your contention that the counseling entry should be removed “due to going through the regular proceedings of being unjustly accused. Through the corrective channel of Military Justice, I was found innocent of all charges and with no basis.” You claim that allowing the entry to reflect in your record is a false representation of your character.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for assaulting your wife’s mother, for forcefully removing your wife’s wedding ring, pushing her against a wall, and grabbing her neck with enough force that she could not breathe. The Board also noted that you acknowledged the counseling entry and, in your statement, argued that the allegations were false and unsubstantiated during an investigation. The Board, however, determined that you were properly counseled and the contested counseling entry was written and issued in accordance with the MARCORSEPMAN. Specifically, the counseling entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, and consequences for failure to take corrective action and it afforded you the

opportunity to submit a rebuttal. Moreover, the Commanding General, Training Command (CG, TCOM) acted within his discretionary authority when signing the entry, and determining that your misconduct was a matter essential to record, as it was his right to do.

Concerning the findings by your administrative separation (ADSEP) board, the Board noted that your ADSEP board unanimously found that a preponderance of evidence did not prove any of the acts or omissions alleged and recommended your retention in the Marine Corps. The Board, however, determined that ADSEP boards are administrative in nature with the fundamental purpose of determining your suitability to serve based on conduct and the ability to meet and maintain the required standards of performance. The administrative separation process is an administrative employment process and is not intended as, nor does it function, as a method to overturn or invalidate other Marine Corps procedures or administrative actions. Although your ADSEP board did not find sufficient evidence to warrant separation, that finding does not impact the validity of your counseling entry. The Board also determined that it is not a material error or injustice for two separate fact-finding bodies to arrive at different conclusions; therefore, the ADSEP board's finding is not binding on the CG's authority. 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,

5/17/2024

