



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

██████████
Docket No. 4858-24
Ref: Signature Date

██
██
██

Dear ██████████

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 7 May 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 applications, 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 your 3 August 2020 Administrative Remarks (Page 11) 6105 counseling entry. You also asked the to remove your 13 October 2020 and 10 February 2022 Administrative Remarks (Page 11) Promotion Restriction counseling entries. Concerning the 3 August 2020 counseling, the Board considered your assertion that it was issued prior to adjudication. Concerning the 13 October 2020 and 10 February 2022 counseling entries, the Board considered your assertion that they were not signed by a Commander as designated in MCO P1400.32D (ENLPROMMAN). The Board also considered the advocacy letters you provided from the current Commander, Marine Barracks, ██████████, ██████████, as well as your current Company Commander, Marine Barracks, ██████████, ██████████ in support of your claims.

In regards to the 3 August 2020 counseling entry, the Board noted pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for violating Article 113, Reckless Operation of a Vehicle, of the Uniform Code of Military Justice (UCMJ). The Board noted you signed the counseling entry and although you were afforded the opportunity to provide a statement, you did not. The Board determined the contested counseling entry was written and issued according to the MARCORSEPMAN. Specifically, the counseling entry provided written notification concerning

your deficiencies, specific recommendations for corrective action, where to seek assistance; the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your Commanding Officer (CO) signed the counseling entry, and he/she determined that your substandard performance/misconduct was a matter essential to record, as it was his/her right to do. The Board considered your claim that the counseling entry was issued prior to adjudication; however, the Board determined you provided insufficient evidence that you did not violate the UCMJ.

Next, the Board considered your request to remove the 13 October 2020 and 10 February 2022 Promotion Restriction counseling entries and your assertion that they were not signed by the CO. However, the Board noted pursuant to the Marine Corps Individual Records Administration Manual (IRAM), only certain entries require authentication by the CO and/or signature by the Marine. In your case, the Board noted a Promotion Restriction counseling entries only require that the Marine sign the counseling entry and that a signature from the CO is not required. Thus, the Board determined you provided insufficient evidence to invalidate the counseling entries.

Ultimately, the Board determined that the issuing officer(s) were well within their discretionary authority to issue the counseling entries and that they met the requisite counseling requirements according to the appropriate policy as established in the MARCORSEPMAN, IRAM, and the ENLPROMMAN. Furthermore, the Board noted were afforded the opportunity to rebut the counseling entries but you chose not to.

Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board 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.

Finally, you also asked the Board to remove the duplicate counseling entry from your official record. However, pursuant with Marine Corps policy, if you have two or more of the same documents in your OMPF, you may contact Headquarters, Marine Corps (MMRP-20) via e-mail (smb.manpower.mmrp@usmc.mil) to have the duplicate documents removed. In your e-mail, provide your full name and EDIPI, and specifically identify the document(s) and the folders in which the documents reside that are duplicates.

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,

5/22/2024

