



sufficient evidence and acted within his/her discretionary authority when deciding that your counseling entry was warranted.

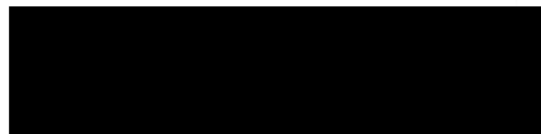
In regards to your contention that you were the subject of Administrative Separation Board (ADSEP) and that all charges were dropped, the Board noted processing for administrative separation is mandatory following the first substantiated incident or substantiated attempt to commit sexual misconduct. Next, the Board noted that an ADSEP board functions as an administrative rather than a judicial body whose purpose is the administrative elimination of unsuitable, unfit, or unqualified Marine from continued service and does not determine guilt or innocence. Thus, the Board concluded the ADSEP board's findings do not invalidate the counseling entry. Further, the Board determined you provided insufficient evidence to support your claim that all charges were dropped or that you did not commit the offenses documented in your counseling entry.

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. As a result, 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.

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,

6/16/2024

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Executive Director

Signed by: 