



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

█  
Docket No. 5893-24  
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 31 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 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) counseling entry dated 22 April 2021 because the Page 11 entry alludes to an adulterous relationship, which was not the case. Specifically, you contend the misconception has negatively impacted you on promotion selection boards and does not depict the accuracy of the situation. Further, you contend that immediately following the issuance of the Page 11, you were “in shock and just wanted to take responsibility for the incident.”

The Board, however, determined the counseling entry creates a permanent record of matters your Commanding Officer (CO) deemed significant enough to document. The Board noted the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, and an explanation of the consequences of failure to successfully take the recommended corrective action. The Board also noted you availed yourself of the opportunity to provide a rebuttal statement and that statement is properly included with the counseling entry in your official military personnel file. Further, the Board noted the entry was appropriately issued by a CO as evidenced by his signature on the entry. The Board carefully considered your contentions but determined the CO has wide discretion regarding the subject matter of a counseling entry, and it is within his discretionary authority to determine if/when a counseling

entry is warranted. Lastly, the Board noted you did not submit supporting evidence but only your comments on the DD Form 149. Specifically, the Board noted the text messages were not available for review or to provide context to the CO's decision nor did you provide evidence regarding your contention the presence of the contested Page 11 entry has affected your promotion selection boards. Based on the available evidence, the Board concluded there is insufficient evidence of material error or injustice warranting the removal of the contested Page 11 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,

6/4/2024

