



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

██████████
Docket No. 7114-24
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 23 July 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 22 December 2020 Administrative Remarks 6105 (page 11) counseling as well as the 27 April 2021 counseling entry and associated Marine Corps Total Force Structure (MCTFS) weight control remarks (D113). The Board considered your contentions that the documentation you provided concerning your assignment to the Body Composition Program (BCP) shows that your assignment was not procedurally correct or valid pursuant with MCO 6110.3A. Specifically, you claim the following: the Command Physical Training Representative (CPTR) did not conduct your circumference measurements within 30 days of assignment, the December BCP evaluation is missing height, weight, and circumference measurements, each BCP evaluation was either done by one evaluator or no evaluator, the 27 April 2021 counseling entry concerning your four month progress evaluation was not signed by you, there was no six month progress evaluation or removal counseling entry, the BCP evaluation form was not signed after your subsequent removal from BCP, and the unit diary entry is not entered on the form.

However, after careful consideration of your contentions, the Board determined the requested relief is not warranted. In this regard, the Board noted on 30 October 2020, the Commanding Officer (CO) notified you that you were not within Marine Corps height and weight standards and you were being processed for assignment to BCP. You signed the notification letter

acknowledging receipt of the CO's notification of pending assignment and indicated that you understood what was required of you. Next, the Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), on 22 December 2020, you were issued a 6105 entry counseling concerning your first assignment to the Marine Corps BCP. The Board also noted that you signed the counseling entry and chose not to submit a statement. 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. Then on 27 April 2021, the Company Commander issued you a counseling entry indicating your satisfactory four-month performance while assigned to the BCP Program. On 24 June 2021, you were removed from assignment from BCP as evidenced by the BCP Evaluation Form signed by the CO and the associated MCTFS entry.

In regards to your contentions that your assignment to BCP was not procedurally correct or valid pursuant with MCO 6110.3A, the Board noted, although the counseling entries were not strictly written according to the MARCORSEPMAN, the errors were not material and would not have changed the basis for your assignment to BCP. The Board also considered the administrative errors concerning the BCP evaluation form and came to the same conclusion. The Board further noted you provided sufficient evidence that you were not within Marine Corps height and weight standards. The Board, thus determined that the CO relied upon sufficient evidence and acted within his/her discretionary authority when deciding that your counseling entry was warranted.

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.

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,

8/8/2024

