



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

██████████  
Docket No. 7372-24  
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 23 July 2024, has carefully examined your current request. 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 determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board to remove your 9 April 2020 Administrative Remarks 6105 counseling entry, the associated rebuttal statement, and your 1 June 2020 adverse fitness report. Your request was denied on 28 June 2022.

The Board carefully considered your current request to modify your rebuttal statement for the 9 April 2020 Administrative Remarks (Page 11) 6105 counseling entry. The Board considered your claim that, at the time the counseling entry was issued, a first and second rebuttal were made and the revised rebuttal statement that you provided should have been filed. The Board also considered your assertion that you spoke with a career counselor about the rebuttal statement in 2021 and you were directed to submit the revised rebuttal statement via the electronic personnel action request (EPAR), but it was not accepted.

However, the Board determined you provided insufficient evidence that the rebuttal statement was uploaded in error. In this regard, the Board noted that the contested rebuttal statement has been in your record since 2020 and found no evidence of due diligence to update or to replace the rebuttal statement. The Board thus determined the statement in your record was submitted in accordance with the Marine Corps Separation and Retirement Manual and properly added to your record. Thus, 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

