



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

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Docket No. 7780-24  
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 20 August 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 15 June 2023 Administrative Remarks (Page 11) counseling entry. The Board considered your contentions that your counseling entry was disproven, the travel voucher has since been approved with deductions reversed, and a refund was awarded. You assert that according to the Joint Travel Regulations (JTR) Volume 9, you were within your right to use the rental vehicle in an official capacity while awaiting ticketing for return travel. You also assert the JTR does not specify a particular destination for the return of a rental vehicle. You claim you explained to your chain of command that you were required to take the vehicle back to the location where it was picked up because the company mishandled the reservation. You also contend the counseling entry falsely states that you did not clearly communicate your plans with your command or the Temporary Additional Duty (TAD) command, although you spoke with them continuously until the issue of the ticketing and return were resolved. As evidence, you provided text messages and TAD documents.

The Board noted that pursuant to the Marine Corps Individual Records Administration Manual (IRAM), you were issued a Page 11 entry counseling you regarding violations the JTR based on

a command investigation. Specifically, your rental vehicle pick up/drop off was outside of the authorized TAD location, and you used the vehicle while in a leave status. Additionally, you did not clearly communicate your plans, and you were dropped from the school, which required you to be placed in a leave status due to travel circumstances delaying your return that were completely in your control. The Board also noted that you acknowledged the entry and elected to submit a statement, however there is no evidence of a statement in your record. The Board determined the contested counseling entry was written and issued in accordance with the IRAM. Specifically, the counseling entry provided written notification concerning your deficiencies and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry, and he/she determined that your conduct was a matter essential to record, as it was his/her right to do.

The Board noted that according to the JTR, a rental vehicle is limited to official purposes, including transportation to and from duty sites, lodgings, dining facilities, drugstores, barbershops, places of worship, cleaning establishments, and similar places required for the traveler's subsistence, health, or comfort. The Board noted the evidence you provided, however the Board found it insufficient to support your claims that the counseling entry was disproven or otherwise in error. Moreover, the Board found no evidence of the command investigation that your CO relied upon when determined that your counseling entry was warranted, and you did not provide it. The Board is not an investigative body and relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus 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,

9/6/2024

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