



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

█  
Docket No. 8043-24  
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 10 September 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 18 July 2024 Administrative Remarks 6105 (page 11) counseling entry and associated rebuttal statement. The Board considered your claims the counseling entry is unjust after you provided medical documentation and email guidance from the Human Performance Branch Head for Policy and Standards Division concerning Marine Corps Order (MCO) 6100.13A; which governing the procedures and standards for effective execution of physical fitness and combat fitness tests (PFT/CFT).

However, the Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for failure to pass the Marine Corps PFT. Specifically, on 18 June 2024, you failed to receive the minimum passing score. The Board noted that you signed the counseling entry and, in your statement, took full responsibility for your actions during the physical fitness test (PFT) while asserting that you sustained an injury while running and upon reaching the halfway point you began to experience discomfort in your left calf, which caused you to slow down. You further explain that you decided to push through the pain and complete the run as you were under the impression if you started a PFT you must finish, even if you are hurting. The Board determined the contested counseling entry was written and issued according to the MARCORSEPMAN. Specifically, 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. Moreover, your commanding officer (CO) signed the counseling entry and determined that your substandard performance was a matter essential to record, as it was his or her right to do.

In regard to your claim that the counseling entry is unjust, as evidenced by email from the Branch Head, Human Performance, Policy and Standards Division, which indicates that your circumstances fall under the injury paragraph on page 1-5 of MCO 6100.13A, the Board noted you did not notify the corpsmen prior to the conduct of the PFT or during the brief, but brought it up after you finished the run. The Board further noted your CO considered the opinion and recommendations of the Human Performance Branch Head; as evidenced by her response on 17 July 2024. The Board thus determined that the CO relied upon sufficient evidence and acted within 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,

9/25/2024

