



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. 8294-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 5 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 application, 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.

The Board carefully considered your request to remove “all derogatory [Page 11s] that hindered [your] promotion” due to the impact made on your life after your command “negatively influenced the progression of [your] career by denying [you] opportunities to attend the required Professional Military Education (PME) courses.” Additionally, you contend that, as a Marine who desires to continue with active duty service, the presence of the Administrative Remarks (Page 11) entries in your record impacts your career progression. Further, you contend you are just asking for a “fair shake” and a “second chance” to prove your worth to the Marine Corps. Lastly, you contend that, at the time of the injustice, you were verbally and physically assaulted and threatened by your staff noncommissioned officer in charge (SNCOIC) and other SNCOICs that if you requested mast or sought further assistance, you would lose your clearance, be labeled

as a danger to aircraft, and be removed from the unit. Due to the injustice that occurred, you are now “respectfully requesting justice.”

The Board noted your record contains numerous Page 11 entries wherein you acknowledged that you were “eligible but not recommended for promotion.” The nine separate entries dating back to 17 July 2019 and ending 12 March 2021, state reasons such as “PME incomplete,” “lack of MOS proficiency,” “lack of MOS credibility,” and “lack of leadership.” The Board further noted that only once, on 18 July 2019, did you avail yourself of the opportunity to submit a rebuttal to the entry. In April 2020, you indicated your intent to submit a statement but that statement is not part of your record and on two other occasions you initially indicated your intent but did not follow through. The Board determined the entries create a permanent record of matters requiring documentation and concluded there was insufficient evidence in the record, and none submitted by you, indicating the command negatively influenced the progression of your career, unreasonably denied your request to attend PME courses, or unjustly refused you the opportunity to correct your alleged shortcomings. Further, the Board noted there was no evidence in the record, nor submitted by you, indicating you were verbally and physically assaulted or that your life was threatened in an attempt to keep you silent. As a result, the Board concluded there is insufficient evidence of material error or injustice warranting the removal of the contested Page 11 entries. 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,

9/22/2024

