



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. 8321-24
Ref: Signature Date

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Dear █,

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 24 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 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 the following adverse material from your official military personnel file: (1) 1 May 2023 Administrative Remarks (Page 11) 6105 counseling entry and associated rebuttal; (2) 13 June 2023 Page 11 relief-for-cause counseling entry; (3) 5 June 2023 relief-for-cause (RFC) notification letter; and (4) fitness report for the reporting period 20 August 2022 to 15 December 2022. The Board also considered your request to reinstate your Additional Military Occupational Specialty (AMOS) of 0911, and issuance of the Drill Instructor Ribbon,

The Board considered your personal statement as well as your contentions that you did not violate Article 92 or Article 113 of the Uniform Code of Military Justice. In support of your contentions, you provided an advocacy letter from the former Recruit Training Regiment Commanding Officer dated 9 August 2024 and several character statements from former members of your previous command for the Board's consideration, which you claim, prove your innocence.

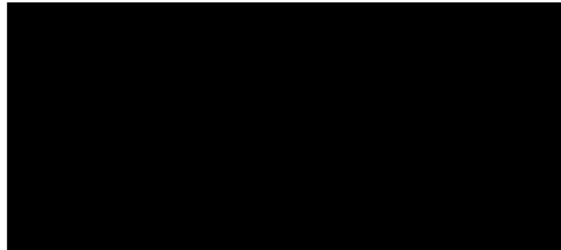
Two prior panels of this Board¹ considered your requests to remove the aforementioned adverse matters from your record and determined the requested relief was not warranted. This Board, after careful consideration of your new evidence, substantially concurred with the prior Boards' decisions to deny the requested relief. In this regard the Board determined the Commanding General, Marine Corps Recruit Depot, Parris Island was the final decision authority, who, having reviewed all available evidence surrounding your case, approved your RFC due to loss of trust and confidence in your abilities to performance the duties of a drill instructor. The Board thus determined the Commanding General relied upon sufficient evidence and acted within his discretionary authority when relieving you from your duties which resulted in the revocation of your 0911 AMOS and forfeiture of the Drill Instructor Ribbon. The Board further determined that due to the revocation of your AMOS, the contested 6105 entry and fitness report were 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 new 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.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

10/21/2024



¹ Docket No. 7132-23 was considered by the Board on 26 October 2023, and Docket No. 413-24 was considered by the Board on 13 February 2024.