



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. 8600-24
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 12 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 carefully considered your request to remove the Administrative Remarks (Page 11) 6105 counseling entries¹ received on 3 January 2024 and 5 January 2024 because they are “reporting the same information, issued on the same date.” Further, you contend the “administrative paperwork has been duplicated in [your] records.”

The Board noted the 3 January 2024 Page 11 entry counsels you for lack of leadership, responsibility, maturity, and judgment on two separate occasions referencing the dates of 30 May 2023, 11 July 2023, and 16 December 2023. The 5 January 2024 entry counsels you regarding violations that occurred on 23 December 2023. The Board, noting the same information is not being reported nor is there duplication between the dated entries, determined the counseling entries create a permanent record of matters your Commanding Officer (CO) deemed significant enough to document. The Board noted the entries provided written notification concerning your deficiencies, specific recommendations for corrective action, and an explanation of the consequences of failure to successfully take the recommended corrective action. The Board also

¹ The Board noted you listed the date as 3 January 2024 but the dates on the two Page 11s that you submitted are 3 January 2024 and 5 January 2024.

noted you opted not to avail yourself of the opportunity to provide a rebuttal statement for either counseling entry. Further, the Board noted the entries were appropriately issued by a CO as evidenced by his signature on the entries. The Board determined the CO has wide discretion regarding the subject matter of a counseling entry, and it is within his discretionary authority to determine if/when a counseling entry is warranted. Based on the available evidence, the Board concluded you have provided insufficient evidence to overcome the presumption of regularity attached to the contested counseling entries or to establish that the CO's decisions were unjust or materially in error. Thus, the Board concluded the contested Page 11 counseling entries are valid as written and should remain in your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board, however, noted there are duplicate copies of the 5 January 2024 entry. Duplicate copies of the same documents in your Official Military Personnel File may be removed by contacting Headquarters Marine Corps.

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

