



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. 8933-24
Ref: Signature Date

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Dear █,

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 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 your 26 April 2022 Administrative Remarks (Page 11) counseling entry and that your promotion to Lance Corporal be backdated to 1 May 2022. The Board noted that admit that you were deserving of the negative counseling and promotion restriction, but not deserving of your loss in rank. You further assert that it was unfair to receive the same punishment as Marines who committed fraternization and tried to conceal it. In support of your contention, you also provided two character statements for the Board's consideration.

The Board noted that, on 26 April 2022, you were issued notified in a written counseling that you were "eligible but will not promote on 1 May 2022 due to pending legal action." The Board determined that the contested counseling is administratively and procedurally correct in accordance with the Marine Corps Individual Records Administration Manual, and although you

were afforded you the opportunity to submit a rebuttal, you chose not to. With regard to your assertion that you did not deserve to be reduced in grade, the Board noted you admitted to falsifying the accountability roster by signing in for another Marine while in a trusted position of authority and responsibility as platoon scribe. Consequently, on 5 May 2022, you received nonjudicial punishment and were reduced in grade to Private (E-1), as evidenced by the entry in the Marine Corps Total Force System. The Board concluded that you provided insufficient evidence that the nonjudicial punishment is in error or unjust.

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 determined the evidence you provided was insufficient to overcome this presumption. As a result, the Board concluded that there is no probable material error or injustice warranting removal of the contested Page 11 or backdating your promotion in the grade of Lance Corporal. 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,

10/21/2024

