



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. 9080-24
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 8 October 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.

You previously applied to this Board (Docket No. 4341-24) and requested, in part, to remove your 11 October 2023 6105 counseling entry and associated rebuttal, and to have your selection to Master Sergeant (MSgt) reinstated, however your petition was denied on 7 May 2024.

The Board carefully reconsidered your request to remove the counseling entry and to reinstate your selection to MSgt. You claim you have new evidence regarding reprisal, bias, discrimination, a hostile work environment, interference with the command investigation (CI) and that your commanding officer violated the Marine Corps Separation and Retirement Manual. You also claim that you attended the E-8 Seminar on 10 March 2023 and were fully check out of your command. Additionally, you again contend that the allegations outlined in the counseling entry were not substantiated during the Administrative Separation Board.

After thorough review of your application and the evidence submitted in support thereof, this Board concurred with and affirmed the prior Board's decision. Regarding your allegations of interference with the CI, the Board similarly found these claims to be without merit. The Staff Judge Advocate to the Commandant of the Marine Corps previously addressed this issue on 26 February 2024, confirming that the Commanding General had sufficient evidence to substantiate the claims of sexual harassment, which complied with relevant references and was not an abuse of his discretion.

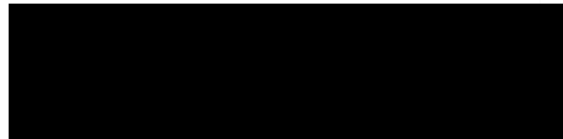
The Board noted that on 11 April 2024, the Deputy Naval Inspector General for Marine Corps Matters closed your complaint of Military Whistleblower Reprisal under 10 U.S.C. §1034, stating that it did not warrant further investigation. The Whistleblower Reprisal Investigation Directorate of the DoD Office of Inspector General reviewed your case and agreed with this assessment and closed your case.

After a comprehensive review of the available record, the Board determined there were no legal or factual errors that materially affected your substantive rights. 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. Thus, 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.

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,

11/8/2024

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Deputy Director

Signed by: 