



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. 9140-24
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 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 carefully considered your request to remove your 9 May 2024 Administrative Remarks (Page 11) 6105 counseling entry. You also request that the Board direct the completion of your pending fitness reports. The Board considered your contentions that the counseling entry is irrelevant/erroneous due to the allegations being inaccurate. As new evidence, you provided emails between you and your command.

The Board, however, reaffirmed the previous Board's decision that your counseling entry is valid and determined that the counseling entry is relevant. The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for failure to conduct the semi-annual height and weight for the July to December 2023 period. The Board also noted sufficient evidence exists that you received the counseling entry and you did not sign or return the entry to your command. Signing a counseling entry is merely an acknowledgment that you received the counseling entry and affords you the opportunity to make a statement. By refusing to acknowledge the counseling entry, you forfeited the opportunity to submit a statement.

The Board noted the evidence you provided but found it unconvincing. The Board found no evidence that your command validated and approved the NAVMC 11622 you provided, and you provided none. 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.

Concerning assistance with the completion of your fitness reports, the Board has no authority to direct the completion of fitness reports. The Board noted that the Marine Corps Performance Evaluation System Manual provides guidance to correct date gaps resulting from missing fitness reports. Specifically, “[i]f the location of the RS is known, make contact and request he or she complete the report. If the RS fails to respond within 30 days, forward a copy of the correspondence originally sent to the RS soliciting the fitness report to the CMC (MMRP-31) for assistance.”

You also checked the “Other Mental Health” box on your application but provided no evidence in support of your claim. The Board determined there no evidence of a mental health diagnosis or its nexus to your request. In making this determination, the Board noted that, other than your indication on your application, there is no evidence that your counseling entry was issue due to or influenced by a mental health diagnosis.

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,

10/11/2024

