



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 9251-24  
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 carefully considered your request to remove the 29 April 2024 Administrative Remarks (page 11) counseling entry and associated rebuttal statement. You contend that you were unjustly relieved of your duties as █. You further contend that you were never counseled on your deficiencies or made aware of the allegations made against you. In support of your contentions, you provided character statements, which you assert, in part, supports your claims that you were unaware of the issues within the platoon.

The Board noted that on 29 April 2024 you were counseled upon being relieved of your duties as SNCOIC due to loss of trust and confidence based on a Command Investigation (CI) where a SNCO in your platoon was shown to have committed numerous Prohibited Activities and Conduct (PAC) violations against Marines under your charge. The counseling noted it was your responsibility as a SNCO to look out for the welfare of your Marines and ensure you are engaged with the happenings in your platoon.

The Board considered each advocacy letter submitted in support of your request. However, the Board noted, based upon a CI, the commanding officer (CO) determined that multiple PAC violations created a culture of degradation and fear among the Marines within the platoon, and

was a result of your lack of supervision and oversight of the offending SNCO. The Board was not persuaded by your arguments that you were unaware of the happenings in your platoon and found insufficient evidence that the CI or your CO's decision to relieve you was in error. The Board determined that your CO acted within his discretionary authority and relied upon sufficient evidence that included the CI when determining your relief and the counseling entry was warranted. The Board thus determined you were properly counseled and determined that the contested counseling entry was written and issued in accordance with relevant policy.

The Board did not consider your request to remove the fitness report for the period ending 7 May 2024. The Board determined you must first exhaust your administrative remedies. The Performance Evaluation Review Board (PERB) is the initial action agency for fitness report appeals, therefore if you wish to contest a fitness report, you must submit your request to the PERB, in accordance with the Marine Corps Performance Evaluation System Manual.

The Board noted you checked the "Other Mental Health" block 14 on your application but other than your statement, you did not provide evidence supporting a nexus between your mental health and your relief as the SNCOIC. 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,

11/7/2024

