



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. 9695-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. 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 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 22 June 2018 Administrative Remarks 6105 (Page 11) counseling entry and associated rebuttal. The Board considered your contention that you received a counseling entry 14 days after checking into the unit. You also contend that you did not receive an initial counseling, guidance or expectations until after returning from ship operations. You claim that you were not given time to correct your deficiencies before receiving the counseling. You also claim this is the only blemish on your record and is severely hindering your promotion.

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 lack of Military Occupational Specialty (MOS) proficiency commensurate with his rank and billet. Specifically, you consistently demonstrated the inability to supervise and manage the Marines assigned under your charge, failed to submit required feed plans, supervise the turnover of ship taxes in the galley while underway, and failed to report to your appointed place of duty on multiple occasions. The Board also noted that you acknowledged the entry and in your statement, you indicated that the counseling was heavy handed. The Board determined that the contested entry

was written and issued according to the MARCORSEPMAN. Specifically, the entry provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the entry, and determined that your substandard performance was a matter essential to record; as it was his/her right to do.

The Board determined your CO acted within his/her discretionary authority when determining that your performance was substandard and necessary to document. The Board noted that the deficiencies included duties consistent with your MOS. The Board found no evidence that you did not receive an initial counseling, guidance or expectations and you provided none. The Board also determined the expectation that you supervise and manage the Marines assigned under your charge, properly perform your mess related duties, and report to your appointed place of duty were reasonable considering your grade, experience, and MOS. 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.

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,

10/16/2024

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Deputy Director

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