



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

█  
Docket No. 9913-24  
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 29 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 July 2024 Administrative Remarks (Page 11) 6105 counseling entry and rebuttal statement. The Board considered your contention that during the administrative separation board (ASB), the members determined by majority vote that the preponderance of the evidence did not prove any of the acts or omissions alleged and recommended your retention in the Marine Corps.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a Page 11 entry counseling you for committing a violent offense against your spouse. The Board also noted that you acknowledged the entry and, in your statement, you denied the allegations and claimed that you called the police to help deescalate a situation in which you were the victim and defending yourself. The Board, however, 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

misconduct was a matter essential to record, as it was within his/her discretionary authority to do.

The Board noted that your ASB unanimously determined that the preponderance of evidence did not prove any of the acts or omission alleged and recommended your retention in the Marine Corps. The Board determined that ASBs are administrative in nature with the fundamental purpose of determining suitability to serve based on conduct and the ability to meet and maintain the required standards of performance. The administrative separation process is an administrative employment tool and is not intended as, nor does it function as, a method to overturn or invalidate other Marine Corps procedures or administrative actions. Although the ASB did not find sufficient evidence warranting your separation, that finding does not affect the validity of your counseling entry. Nor is it a material error or injustice for two separate fact-finding bodies to arrive at different conclusions regarding your misconduct. The Board also determined that the ASB's finding is not binding on your CO's authority to issue the counseling entry. 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,

11/14/2024

