



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. 10321-24
Ref: Signature Date

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Dear █:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 5 November 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.

You previously applied to this Board for relief (Docket Numbers 7766-23 and 391-24), however the Board denied your previous requests to remove your Administrative Remarks (Page 11) 6105 counseling entry of 21 October 2021.

The Board carefully considered your request for reconsideration to remove your 6105 counseling entry and associated rebuttal. The Board considered your contentions that the commanding officer (CO) who substantiated allegations of sexual harassment pursuant to MCO 5354.1F, Prohibited Activities and Conduct Order through a command investigation was a legal error because the CO, an O-5, lacked the authority to substantiate sexual harassment.

After careful consideration of your application for reconsideration and review of your new evidence, the Board substantially concurred with the previous Board's decision that the counseling entry remains valid. In this regard, the Board noted in support of your claims you reference ALNAV 024/22 which was published on 22 April 2022 to the policy concerning investigation of formal sexual harassment complaints. However, the Board determined your claims to be without merit. In this regard, the Board noted the policy is not retroactive and was not in effect at the time the CO issued the counseling entry for your violation of Article 92, of the

Uniform Code of Military Justice. Thus, the Board determined you failed to provide substantial evidence that the CO's decision was unjust or materially in error. Therefore, 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,

11/22/2024

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