



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

██████████
Docket No. 10409-24
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 17 December 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the 2 June 2022 6105 counseling entry and fitness report for the reporting period 1 January 2022 to 27 July 2022. The Board considered your contention that there are inaccuracies in the counseling entry and fitness report that include incorrect dates, and unsupported claims regarding your rehabilitation status.

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 displaying signs of being impaired during working hours while attending a virtual appointment with the substance abuse counselor. The counselor notified your Staff Noncommissioned Officer in Charge (SNCOIC); the SNCOIC drove to your residence and discovered that you in fact had been drinking during working hours. The Board also noted that you acknowledged the entry and elected not to submit a statement. 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 signed the entry, and he/she determined that your misconduct was a matter essential to record, as it was his/her right to do.

The Board also noted that the Marine Corps Individual Records Administration Manual directs that all alcohol-related incidents will be the subject of formal command counseling and Commanders will direct a record book entry after counseling for an alcohol-related incident. The Board determined that incident documented in your counseling entry constitutes a properly documented alcohol-related incident. The Board found no evidence of purported inaccuracies and you provided none. The Board also determined that the 23 February 2023 Memorandum for the Record explaining that your administrative separation was initiated due to your relapse and not a failure of the rehabilitation process was submitted as a matter of clarification and does not invalidate your 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.

Concerning your request to remove your fitness report, the Board determined that you have not exhausted your administrative remedies. In accordance with the Marine Corps Performance Evaluation System Manual, the Performance Evaluation Review Board (PERB) is the initial agency for fitness report appeals; therefore, you must submit your request to the PERB prior to this Board taking any action on your request.

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,

1/7/2025

