



corrective action indicating any assistance available, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. While the Board considered the District Attorney for the 22nd Judicial District's decision to refuse charges, the Board noted their decision was not a determination of your guilt or innocence but a prosecutorial decision not to pursue criminal proceedings. Furthermore, the Board noted the counseling was not issued "solely" based upon the IDC and that your Command issued the counseling based upon your arrest for Domestic Abuse Battery which was then verified by the IDC to meet criteria for abuse or maltreatment [of your spouse]. As a result, the Board determined insufficient evidence of error or injustice exists with the counseling entry in question to warrant its removal from your record. The Board determined the commanding officer (CO) was well within his discretionary authority to issue the counseling entry and that the entry met the 6105 counseling requirements detailed in the MARCORSEPMAN. The Board concluded that your CO was best situated to determine the accuracy of your misconduct. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. 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.

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,

11/21/2024

