



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. 10699-24
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 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would 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 your 10 April 2024 and 26 April 2024 Administrative Remarks (Page 11) 6105 counseling entries from your official record. The Board considered your contentions regarding the counseling entry dated 10 April 2024 that the counseling was given to you in front of the whole class and that there was no chance for you to submit a rebuttal or was there an opportunity to explain your innocence to the accusation. In addition, the Board considered your assertion that you were embarrassed and that the command had the ability to check your [student] history, and they did not. The Board also considered your counseling regarding the counseling entry dated 26 April 2024 that you missed the flight to your duty station from the schoolhouse as well as your assertion that you attempted to get in contact with someone three times to let him or her know, but there was no answer.

However, the Board determined other than your personal statement that you provided insufficient evidence they were not warranted. Thus, the Board determined that the contested

counseling entries were written and issued according to the Marine Corps Separation and Retirement Manual. The Board noted you signed the counseling entries, and you were afforded the opportunity to provide a statement. Specifically, the counseling entries 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 counseling entry, and determined that your substandard performance was a matter essential to record, as it was his or her right to do. The Board thus determined that the CO relied upon sufficient evidence and acted within his or her discretionary authority when deciding that your counseling entries were warranted. 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 your CO was best situated to determine your substandard performance and 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

