



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

██████████
Docket No. 11065-24
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 26 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 carefully considered your request to remove your 8 May 2007 Administrative Remarks 6105 (page 11) counseling entry. The Board considered your contentions the counseling entry contains inaccurate and misleading information; mischaracterizing the events and your actions. The Board also considered your contention that although you exercised your right to submit a rebuttal, as noted in the entry, it was not forwarded or included in your official record; denying you the opportunity to provide critical context, violating MCO P1070.12K (IRAM), and resulting in an incomplete and unjust portrayal of your performance and service. Next, the Board considered your contention that the captain who authored the 6105 was poorly advised and led, as proven by narrative quality and clarity, and the document reflects a broader issue of poor command climate at the time; further undermining the fairness and accuracy of the counseling entry. Finally, the Board considered your assertion that your 26 years of service, along with continued active duty, demonstrate the actions described in the 6105 are inconsistent with your established conduct and professionalism.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) you, then a staff sergeant, were issued a 6105 entry counseling you for violation of the Recruit Training Order. Specifically, for substantiated allegations of

misconduct in that you allowed two recruits that were assigned to your platoon and entrusted to your care be "hogtied" as prisoners of war by another platoon's recruits under the direction of their Drill Instructor. When you, as the senior Marine present, were aware of this situation you failed to stop the incident, and instead you joined in the chaos and had your recruits descend down the ladder well while their hands and feet were still hogtied; thus endangering their safety. Also, you failed to report such actions up your chain of command.

The Board also considered your claim that although you exercised your right to submit a rebuttal, it was not forwarded or included in your official record. However, the Board observed that, other than your personal statement, you provided no evidence to support your claim.

Next, the Board considered your claims that your 26 years of service, along with continued active duty, demonstrate the actions described in the 6105 are inconsistent. However, the Board noted past or future performance does not invalidate your misconduct; which led to the commanding officer's (CO's) conclusion that a counseling entry was warranted. Furthermore, the Board determined, other than your personal statement, you provided no evidence to support your claims. The Board determined the contested counseling entry was written and issued according to the MARCORSEPMAN. Specifically, the counseling 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, the CO signed the counseling entry, and determined that your misconduct was a matter essential to record, as it was her right to do. The Board, thus determined that the CO relied upon sufficient evidence and acted within her discretionary authority when deciding that your counseling entry was 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. Thus, 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,

1/16/2025

