



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

█  
Docket No. 11259-24  
Ref: Signature Date

█  
█  
█

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 11 March 2025. 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 as well as the 20 January 2025 advisory opinion (AO) furnished by the Marine Corps Personnel Law Branch (JPL). The AO was provided to you on 21 January 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

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 12 September 2022 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. You also request to backdate your date of rank to 1 September 2022. The Board considered your statement and contentions that you self-referred but instead of getting a thank you, you almost lost everything, and another command tried to use the counseling entry to separate you. You claim that after the command investigation, punitive action was taken against you. After a negative urinalysis, the counseling entry was issued, and your promotion was delayed.

The Board, however, substantially concurred with the AO that your counseling entry is valid, your promotion was properly delayed, and your date of rank is proper. In this regard, the Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a counseling for violating ALNAV 069/20 by consuming a product, which contained Hemp. The Board also noted that you acknowledged the entry, and, in

your statement, you admitted to having a lapse of judgement and unknowingly consumed a product that contained hemp extracts. You also failed to communicate the situation in a timely manner to your leadership. The Board determined the contested entry was written and issued according to the MARCORSEPMAN and Marine Corps Individual Records Administration Manual (IRAM). 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 an opportunity to submit a rebuttal. Moreover, the IRAM directs Commanders to record in the service record, all confirmed incidents of illegal drug involvement. The Board also determined that your commanding officer acted within his/her discretionary authority when determining that your use of a product containing Hemp was a matter essential to record.

Concerning your request to backdate your date of rank, the Board noted that your promotion was properly delayed pending the adjudication of legal proceedings. Upon completion of all legal proceedings your command requested the delivery of your promotion, the Commandant of the Marine Corps (CMC) authorized your promotion effective 1 November 2022. In making this decision, the CMC carefully reviewed and took into consideration your CO's letter with all endorsements. Ultimately, the CMC was not convinced that you were "exonerated of all wrongdoing" and elected to modify your date of rank, as it was his right to do. In accordance with the Marine Corps Enlisted Promotion Manual, the final decision on a Marine's promotion status will be made by the CMC. The Board concurred with the AO that your disagreement with CMC's decision to adjust your date of rank does not equate to an error or injustice. 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.

You also indicate in your application that you are the victim of reprisal. The Board, however, determined there was insufficient evidence to conclude that your counseling entry and promotion delay were reprisal actions in violation of 10 U.S.C Section 1034. In making this determination, the Board noted that there was no evidence, other than your statement, that any administrative actions stemming from your use of a product contain Hemp was issued as a reprisal action.

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,

3/26/2025

