



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

██████████
Docket No. 11503-24
Ref: Signature Date

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Dear Petitioner:

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 February 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 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 6 June 2024 Administrative Remarks 6105 (Page 11) counseling entry. The Board considered your contention that the issuance of the counseling entry violated your rights and due process was not properly afforded; as required by Chapter 4, Subparagraph 4006 of the Marine Corps Individual Records Administration Manual (IRAM) and Chapter 2 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN). You claim these actions undermine the principles of fairness and justice essential to our institution. Next, you also claim discrimination and reprisal from your command; specifically from the Sergeant Major (SgtMaj). You allege that ongoing issues with the SgtMaj, who has shown a clear personal bias against you, has negatively influenced your career through untrue statements and improper initiation of paperwork without following established protocols. Further, you claim after submitting a Request Mast, the response was inadequate and the situation worsened. You also assert that instead of engaging with you

directly, the SgtMaj used others to antagonize you; avoiding accountability. Additionally, you claim the SgtMaj never addressed the discrepancies in the 6105 and her observations about your hair bun's width or length lack validity; as the Sergeant Major was never close enough to assess them accurately.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 entry counseling you for violation of Article 92, Dereliction in the performance of duties, of the Uniform Code of Military Justice (UCMJ), in that you having knowledge of a lawful order Marine Corps Order (MCO) 1020.34H, an order which was your duty to obey, did on 4 June 2024, fail to adhere to female grooming standards. Specifically, you were observed with a bun that extended beyond three inches from the scalp and was wider than the head. Additionally, you were observed with eyelashes that were not natural in appearance and excessive in length. The Board noted you signed the counseling entry and you were afforded the opportunity to provide a statement; which the Board noted are the same contentions as those presented to the Board. However, the Board determined that 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, your commanding officer (CO), not your SgtMaj, signed the counseling entry and he or she 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 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. 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 also indicate in your application that you are the victim of reprisal. The Board also determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC 1034. 10 USC 1034 provides the right to request Secretary of Defense review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoD policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 USC 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your

BCNR application and final decisional documents; and, a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR, therefore, please also include previously presented documentation that supports your statements.

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,

3/6/2025

