



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

██████████
Docket No. 11800-24
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.

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 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 30 January 2016 Administrative Remarks (Page 11) counseling entry. The Board considered your contention the counseling entry was not written pursuant to paragraph 6105 of the Marine Corps Retirement and Separations Manual (MARCORSEPMAN); specifically, you assert that it does not provide consequences if an incident were to occur again or give you recommendations to fix deficiencies.

However, the Board noted you received the counseling entry for professional incompetence; demonstrated by failure to perform duties required of a Non-Commissioned Officer (NCO). The Board considered your claims that the counseling entry does not provide consequences if an incident were to occur again or give you recommendations to fix deficiencies. However, the Board determined the counseling entry was written in accordance with the Marine Corps Individual Records Administration Manual (IRAM) and not subject to the requirements of

paragraph 6105 of the MARCORSEPMAN; as you were not being processed for separation. Specifically, the Board noted the MARCORSEPMAN paragraph 6105 mandates specific counseling procedures only in cases involving separation proceedings. Since your counseling entry was not associated with such proceedings, the requirements of paragraph 6105 were not applicable. Thus, the Board determined you were properly counseled and concluded that the contested counseling entry was written and issued in accordance with the IRAM. Specifically, the counseling entry provided written notification concerning your deficiencies, specific recommendations for corrective action, and afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the 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 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 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,

3/5/2025

