



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

██████████
Docket No. 11889-24
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 4 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 application, together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies.

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 20 January 2022 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. The Board considered your contentions that you reported misconduct by your Marines, during the Command Investigation (CI) the Marines made retaliatory Prohibited Activities and Conduct (PAC) complaints. You also contend that you were not afforded the opportunity to review the CI or to appeal its contents according to the Marine Corps PAC Policy. You further contend the counseling entry lacks required 6105 language per the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) and includes language not found in the CI. You also claim that you submitted a rebuttal without knowing or understanding any wrongdoing and you were only told that the allegations were substantiated.

The Board noted the CI into the allegations of misconduct/inappropriate posting on social media/racist threats/racial slurs and possible violations of the Marine Corps PAC Prevention and Response Policy by Marines within the Installations Trial Office and improper handling of procedures dealing with a possible PAC complaint within the section. The Investigating Officer (IO) found that your conduct toward another Marine met the definition of bullying under the PAC Policy, and your conduct toward several of the Marines constituted harassment under the PAC Policy. The

IO based his findings in part on witness statements regarding unwelcome behaviors of name-calling, ridicule, mockery, intimidating acts, racial or other slurs, and derogatory remarks about a person's accent.

The Board noted that pursuant to paragraph 6105 of the MARCORSEPMAN, you were issued a Page 11 entry counseling you for willfully disobeying a superior commissioned officer not to engage or speak with other Marines involved in an active CI and violation of the PAC Policy. The Board also noted that you acknowledged the entry, and, in your statement, you took responsibility for your actions and decisions, and you acknowledged falling short of core institutional values. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. 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 Marine Corps PAC Policy grants Commander's discretionary authority to take appropriate actions necessary to maintain good order and discipline within their command.

Concerning your opportunity to review the CI and to file an appeal, the Board found no evidence that you were denied an opportunity for supervised review of the CI or to appeal the findings and you provided none. Concerning the language in your contested counseling entry, as previously determined, the Board found that the counseling entry was written properly and according to the MARCORSEPMAN. A Page 11 is an administrative tool, which documents a commander's decision regarding misconduct the commander finds essential to document. The Board determined that your CO was not constrained to the findings in the CI and properly documented your willful disregard of an order not to engage or speak with other Marines involved in an active CI. 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 of reprisal 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 your counseling entry 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,

2/26/2025

