



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

██████████
Docket No. 11998-24
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 25 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 carefully considered your request to remove all adverse material related to your Administrative Remarks (Page 11) entry and Report of Misconduct (ROM). You also request basic allowance for housing and back pay for lost wages. The Board considered your contention that the Commanding Officer (CO) made a diametrically opposed conclusion about your case compared to the Warrant Officer students. You also contend that you did not have access to the entire Command Investigation (CI) when drafting your rebuttal. You claim that you asked for the entire CI and had a right to all evidence against you; which included aggravating and exculpatory evidence. You also claim that the academic platforms Canvas and Moodle were not designed to be a forensic tool and Moodle was not designed to track cheating when you used the software. In support of your contentions, you provided articles regarding Dartmouth Medical School students and Canvas.

The Board noted that the CI substantiated violations of The Basic School (TBS) Academic Integrity Policy by you and other students. Pursuant to paragraph 3005 of the Marine Corps Individual Records Administration Manual (IRAM), you were issued a Page 11 entry counseling you for accessing unauthorized course material during the Phase II Exam. The Board also noted that you acknowledged the entry and elected to submit a statement. The Board determined that

the contested counseling entry was written and issued according to the IRAM. Specifically, the entry provided written notification concerning your misconduct and afforded you the opportunity to submit a rebuttal. Moreover, your CO signed the entry, and determined that your misconduct was a matter essential to record; as it was his/her right to do.

The Board determined that the ROM is valid and submitted in accordance with the Legal Support Administration Manual (LSAM). In this regard, the LSAM requires instances of substantiated misconduct to be reported to the Show Cause Authority. As the Show Cause Authority, the Deputy Commandant, Manpower and Reserve Affairs (DC M&RA) reviewed your case, all related matters, and determined the information, while adverse, does not warrant processing for administrative separation. The DC M&RA directed the closure of the case and inclusion of all adverse material. The Board also determined that the CO relied upon sufficient evidence, that included the CI, and acted within his/her discretionary authority when determining that you committed misconduct. Moreover, the Commanding General, Training Command and Commanding General, Training and Education Command reviewed the facts, opinions and recommendations of the Investigating Officer, your rebuttal, the CO's response to your rebuttal, and both concurred with the CO and the administrative actions.

Concerning the CO's determination regarding the Warrant Officer students, the Board found no evidence of disparate treatment. The Board found no error in the CO's determination that the preponderance of the evidence was not met in the case of the Warrant Officer students. The Board noted the CO's justification and further determined that, as the fact-finder, the CO was best situated to weigh the totality of the facts and circumstance of each investigation. The fact that the CO did not come to same conclusion in both investigations is not an error or injustice.

Concerning your access to the entire CI, the Board determined that your contention lacks merit. The Board noted that the CO sufficiently addressed this contention in the response to your rebuttal. The CO explained that the CI included all the evidence that was considered. The Board also determined that counseling entries and ROMs are administrative in nature and are not subject to the same rules of evidence in a criminal case.

The Board also considered the articles you provided but found them unpersuasive. The Board is not an investigative body and relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. 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 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,

3/13/2025

