



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

Docket No. 12244-24
Ref: Signature Date

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 20 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 your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to modify the Administrative Remarks (Page 11) 6105 counseling entry received on 29 June 2022 by removing the verbiage related to driving under the influence because “there is no reference to any sort of alcohol involvement.” In support of your contention, you submitted a copy of the [REDACTED] from your January 2022 hearing. Further, you explain you desire to reenlist and become an instructor but, according to your career planner, the verbiage will require higher approval and increases the chances of denial.

The Board noted the 29 June 2022 entry counsels you regarding violation of Article 133 – Drunken or reckless operation of a vehicle, aircraft, or vessel. The counseling entry specifically states you were “convicted of reckless driving with speed excess of 85 mph” but does not include any discussion of driving under the influence or alcohol involvement. The Board determined the counseling entry creates a permanent record of matters your Commanding Officer (CO) deemed

significant enough to document. The Board noted the entry provides written notification concerning your deficiencies, specific recommendations for corrective action, and an explanation of the consequences of failure to successfully take the recommended corrective action. The Board also noted you opted not to avail yourself of the opportunity to provide a rebuttal statement. Further, the Board noted the entry was appropriately issued by a CO as evidenced by his signature. The Board determined the CO has wide discretion regarding the subject matter of a counseling entry, and it is within his discretionary authority to determine if/when a counseling entry is warranted. Based on the available evidence, the Board concluded the contested Page 11 counseling entry is valid as written and should remain in your record. 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

