



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

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Docket No. 89-25
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 the 22 November 2024 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. The Board considered your contentions that the counseling entry contains inaccurate information, and the Uniform Code of Military Justice articles do not state the conduct that was deemed disrespectful. You also contend the charges do not match your judgment, character, and record. You claim the command deck has no understanding of your role and duties, and they violated multiple Marine Corps orders.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a Page 11 entry counseling you for being disrespectful and insubordinate toward the Squadron Executive Officer and Sergeant Major. The Board also noted that you acknowledged the entry, and in your statement, you expressed regret that your expressed concerns were interpreted as disrespect and insubordinate. The Board, however, 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, your Commanding Officer signed the entry and acted within his/her discretionary authority when determining that your misconduct was essential to record; as it was his/her right to do.

The Board determined there is no requirement for specificity when issuing a counseling entry. The MARCORSEPMAN only requires documentation of your deficiencies. Accordingly, the Board found that the counseling entry sufficiently documents your misconduct and the basis for entry. Moreover, the Board found no evidence, other than your statement, that the counseling entry contains inaccurate information. The Board 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

