



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

██████████  
Docket No. 436-25  
Ref: Signature Date

██████████  
██████████  
████████████████████  
  
Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 March 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.

On 6 August 2024 you were stopped by civilian police for failing to adhere to the speed limit; specifically, driving at 90 miles per hour (MPH) in an area with a posted speed limit of 65 MPH. You received a 6105 counseling entry on 14 August 2024 and submitted a rebuttal statement on 16 August 2024. On 6 November 2024, the ██████████ Superior Court dismissed the case due to lack of prosecution.

The Board carefully considered your request to remove the Page 11 from your official military personnel file (OMPF). The Board considered your contentions that the speeding allegation was unsupported as the court dismissed the charge, and you were improperly issued the Page 11 entry before the civilian court decision.

The Board noted a civilian court dismissal, and the actions of the Marine Corps are separate and distinct, and neither is dependent upon the other for legitimacy. Moreover, there is no prohibition on making a 6105 counseling entry prior to a civilian court adjudication of the underlying misconduct. The Board determined that the entry satisfied the paragraph 6105 counseling requirements detailed in MCO 1900.16 (MARCORSEPMAN). Specifically, the Board noted that the entry provided written notification concerning your deficiencies, specific

recommendations for corrective action indicating available assistance, a comprehensive explanation of the consequences of failure to successfully take the recommended corrective action, and a reasonable opportunity to undertake the recommended corrective action. Additionally, the Board concluded that you failed to show that your commanding officer erred in his/her decision to issue you the 6105 counseling entry. Moreover, 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,

4/5/2025

