

## **DEPARTMENT OF THE NAVY**

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

> Docket No. 823-25 Ref: Signature Date

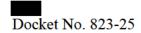
Dear ,

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 18 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.

The Board carefully considered your request to remove the 21 June 2024 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. The Board considered your contention that the entry inaccurately attributes responsibility for unauthorized purchases to you, despite your limited role. You also contend you were not appointed as the Responsible Officer (RO), nor were you authorized to approve or execute the transaction. You claim all actions followed approved procurement processes and you lacked the opportunity to review the investigation.

The Board noted that pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a counseling regarding a command investigation, which determined, as the RO, you were derelict in your duties by allowing unauthorized purchases to occur. The Board also noted that you acknowledged the entry, and, in your statement, you provided mitigating factors and asserted that you were never formally appointed as a RO. 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. The Board also determined that your commanding officer acted within his/her discretionary authority when determining that your counseling entry was warranted.

According to your fitness report for the reporting period 9 March 2023 to 30 June 2024, the Board noted that your billet description includes the requirement to supervise and ensure "the accurate and timely execution of all Supply operations related to property management, internal control procedures, requisition management, commercial procurement, and fiscal related matters for the Recruiting Station." The Board opined that your billet description indicates responsibilities sufficiently related to the oversight of purchases. Other than your statement, the Board found no evidence that the command investigation or your counseling entry was issued in error. The Board also opined that a copy of the command investigation may be obtained by submitting a Freedom of Information Act request. 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.

