



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

██████
Docket No. 963-25
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 22 April 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 13 February 2024 Administrative Remarks 6105 (Page 11) counseling entry and rebuttal statement. The Board considered your contention that the entry's narrative is not indicative of your character or judgment. You also contend the Investigating Officer (IO) was unable to substantiate the allegation made in the "ICE" comment. As evidence, you provided a memorandum from a Lieutenant Colonel (LtCol).

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 regarding a Preliminary Inquiry (PI) that substantiated improper use of your position as a Command Financial Specialist Assistant (CFSA) by selling insurance/investment products within your work section, improperly disclosing PII provided to you in the course of your official duties without the consent of the individuals involved, and improperly engaging in commercial activity with subordinates. The Board also noted that you acknowledged the entry and, in your statement, you asserted that you did not improperly use your position as a CFSA or disclose PII. 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 (CO) acted within his/her discretionary authority and relied upon the findings of the PI when determining that your counseling entry was warranted. The Board considered the memorandum you provided the Board; however, found the LtCol's statement unpersuasive and insufficient to negate the underlying misconduct and the CO's decision to issue the counseling entry.

Concerning your contention regarding the IO's inability to substantiate the allegation made in the "ICE," the Board determined that your contention lacks merit. Other than your statement, the contention is not supported by any evidence. 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,

5/7/2025

