



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. 1236-25
Ref: Signature Date

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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 2 July 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, as well as the 19 December 2024 decision by the Marine Corps Performance Evaluation Review Board (PERB) and the 24 November 2024 Advisory Opinion (AO) provided to the PERB by the Headquarters Marine Corps Performance Evaluation Section (MMPB-23). Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the transfer (TR) fitness report for the reporting period 1 January 2022 to 15 July 2022 due to a conflict of interest¹ which you contend compromised the report's objectivity and fairness. Additionally, you requested removal of the 6105 counseling entry of 20 May 2022² because the incident was "a clear case of mutual combat" where both of you "made the poor decisions to make physical contact." In your statement to the Board, you describe, in great detail, the "contextual factors surrounding the

¹ You specifically contend the Third Officer Sighter is the same officer who "ordered the negative paperwork." Additionally, you contend the Reporting Senior (RS) maintained a personal friendship with the Gunnery Sergeant (GySgt) at the time of the incident.

² You were counseled concerning your "displayed lack of professionalism and judgment" on 6 May 2022 when you were "involved in a verbal disagreement and argument with █ about appropriate communication..." and "[a]t the end of the conversation, you acted inappropriately and threw your metal water bottle in the direction of █ with enough force to put a hole in the wall and moved towards █ ultimately throwing a punch and striking him in his face/nose."

disagreement.” Additionally, in support of your request to remove the counseling, you submitted character statements from Marines you have served with that can attest to your character but could not speak directly about the incident. You recognize that your response during that “heated moment” fell below the standard of comportment expected of a Marine Staff Noncommissioned Officer, and you concede you “should have exercised better judgment in managing the situation.” However, you argue the punitive measures “meted out in response to [your] actions appear, in retrospect, to be disproportionately severe when juxtaposed with the actions of [your] superior during the altercation.”

The Board, however, determined the TR fitness report was valid as written and filed, in accordance with the applicable Performance Evaluation System Manual guidance. The Board, substantially concurring with the AO, noted there is no substantial evidence the RS deliberately issued a negative report due to personal bias nor is there evidence you were unfairly targeted for reprimand. Additionally, 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 availed 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. Further, the Board noted you do not dispute that you assaulted [REDACTED] but emphasized that you punched him after he grabbed “around [your] collar.” However, the Board noted the “altercation” began when you, by your own statement “threw [your] water bottle at the wall near where he was standing and closed the distance between [you]” and found your contention it was “mutual combat” to be without merit. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

7/9/2025

