



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

██████████
Docket No. 1284-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 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 furnished by the Marine Corps Performance Evaluation Review Board (PERB) and the 3 October 2024 advisory opinion (AO) provided to the PERB by the Manpower Management Division Records and Performance Branch. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board determined that a personal appearance with or without counsel would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your fitness report for the reporting period 6 June 2019 to 8 November 2019. The Board considered your contention that Sections F and G contain adverse markings based upon the finding that, "MRO was issued a 6105 for drug use". You also contend that no 6105 was received for drug use or for any other reason. The entry in question was a counseling entry documenting events surrounding the initiation of an administrative separation board that later determined there was no basis for separation. Due to the lack of derogatory material, you further contend that the Section A, Item 6b marking is rendered inaccurate and unwarranted.

The Board, however, concurred with the PERB's decision that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of your fitness report. The Board determined that the balance of your fitness report is valid as written and filed in accordance with the applicable Marine Corps Performance Evaluation System (PES) Manual. In this regard, the Board noted that the PERB approved a correction to your record by removing the "X" in Section A, Item 6b for Derogatory Material and removal of the Section I directed comment, "Sect A, item 6b: On 25 Aug19, MRO was issued a 6105 for drug use." The Board also noted that your fitness report was marked adverse for "Setting the Example" and "Judgement" for testing positive for tetrahydrocannabinol (THC) and being relieved of your duties as a criminal investigator. In accordance with the PES Manual, your Reporting Senior (RS) properly annotated the basis for adversity and your Reviewing Officer (RO) concurred with the RS's assessment and commented on the criminal investigation; which noted that you frequently made comments and took action during your time at PMO which were lacking in judgment and clearly inappropriate. The Board noted, too, that you acknowledged the basis for adversity and availed yourself of your right to submit a statement. In your statement, you claimed, in part, not to know that you ingested THC. You admitted that "[p]oorly timed jokes in poor taste in an environment where they never should have been spoken placed me in a position where you appeared compromised." You expressed being ashamed of your judgement and belief that it did not warrant an adverse evaluation. The Third Officer Sighter reviewed your fitness report and concluded that you inappropriately joked with fellow investigators about circumstances surrounding your ingestion of THC and your actions after testing positive for THC were the basis for the report's adversity; not the ingestion of THC, as you indicated.

The Board also determined that your reporting officials provided sufficient justification to support the basis for adversity and the PERB's correction to your record sufficiently addressed any errors. The Board thus concluded 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,

8/6/2025

