



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2281-25

Ref: Signature Date

[REDACTED]

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 19 November 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 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 the 15 November 2023 Administrative Remarks (Page 11), rebuttal statement, 11 January 2024 Report of Substandard Performance (ROSP) of duty, and associated endorsement from your record. The Board considered your statement regarding an anonymous Inspector General complaint alleging that you used disparaging terms towards a junior Marine. You claim the Investigating Officer (IO) found "this term to not be used." However, at the conclusion of the investigation, you received a counseling entry and the ROSP stating that you used the alleged terms. You contend the alleged victim of the complaint was never interviewed. When you submitted matters for promotion, the Commanding General, [REDACTED] directed the Staff Judge Advocate to contact the alleged victim and the alleged victim answered "no" when asked if you used the alleged terms towards him. You also contend the unjust material will have detrimental impacts on your continued service and career opportunities.

In its review of your request and all available evidence, the Board determined that no relief is warranted. In reaching its decision, the Board observed that it is not an investigative body and 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. Based on their review of the evidence presented, the Board determined the evidence you provided was insufficient to overcome the presumption.

Pursuant to paragraph 3005 of the Marine Corps Individual Records Administration Manual (IRAM), you were issued a Page 11 entry counseling you for failing to provide the leadership expected of an officer of your grade and experience during an emergency situation. Specifically, on 3 August 2023, during recovery from a typhoon, after being alerted about an E-2 who requested medical assistance for symptoms resulting from an undisclosed suicide attempt, you challenged the decision of the Marine and Sailors as they were addressing the emergency in what was characterized as an aggressive and hostile manner. You also attempted to discourage the afflicted E-2 from utilizing an ambulance by telling him that he was a “weak [b****]” and a “sissy” or “words to that effect” and you failed to handle your stress during the typhoon as a leader and in a manner that assured Marines and Sailors that their chain of command is well-positioned to professionally address emergent requirements. The Board also noted that you acknowledged the entry and submitted a statement. In your statement you admitted to losing your composure on the morning of 3 August 2023 and acknowledged that your actions were uncharacteristically aggressive and lacked the empathy that that would have served the situation better. You also stated that the incident was an isolated and uncharacteristic deviation from who you are, you acknowledged the failure, and accepted responsibility.

The Board also noted that the CG, [REDACTED] submitted a ROSP, in which he noted the circumstances giving rise to the report and found that your “conduct discourages Marines from seeking help, undermines the judgement of medical personnel, and promotes negative stereotypes.” The CG did not recommend that you be required to show cause but did recommend that the adverse material be included in your official record. In response to the ROSP, you vehemently denied any allegation that you used derogatory language towards the E-2 or anyone else. In an addendum to the ROSP, the CG noted that the command investigation clearly established that you questioned the decision and necessity of requiring an ambulance to transport a junior Marine in need of further medical assistance and determined that you did not provide any new information that refutes the conclusion of the command investigation. After a review of the evidence, the Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA) determined that the information provided, while adverse, does not warrant processing for administrative separation, directed the closure of the case, and directed the inclusion of adverse material into your official record.

The Board determined that the contested entry was written and issued according to the IRAM. Specifically, the entry provided written notification concerning your deficiencies and it afforded you the opportunity to submit a rebuttal. Moreover, the CG signed the entry, acted within his discretionary authority and relied upon a command investigation when determining that your performance was a matter essential to record, as it was his right to do.

Concerning the submission of your ROSP, the Board determined that the ROSP is valid as written and filed in accordance with the Marine Corps Legal Support and Administration Manual (LSAM). Even assuming, arguendo, that you did not use those exact words, the Board found sufficient evidence to support the CG's determination that "words to that effect" were used and your performance on the morning of 3 August 2023 was "aggressive" and "in contradiction to the values of positivity, calmness, and strength."

According to the LSAM, "ultimately, it is the responsibility of the General Court Martial Convening Authority (GCMCA) to determine whether the officer either did or did not commit the misconduct alleged. "When the GCMCA determines that the officer's performance or conduct was substandard, the GCMCA must take appropriate action to dispose of the case." In this case, the CG, [REDACTED], as the GCMCA issued the contested counseling entry. Furthermore, a ROSP is required in "all cases where the GCMCA finds the officer's performance or conduct was substandard, the GCMCA will generate a Report of Substandard Performance of Duty." In this case, the CGMCA determined that your conduct was substandard and properly submitted the ROSP.

Concerning your claim that the IO found "this term to not be used," the Board found no evidence to support your claim, including the command investigation or IO's findings, and you provided none. The Board considered the correspondence you submitted in support of removing the contested documents but was not persuaded. The Board determined that the CG that issued the counseling entry and ROSP was best situated to weigh the totality of the circumstances and to determine the appropriate administrative action. The CG relied upon sufficient evidence that included a command investigation, witness statements, and your statement when determining whether your conduct warranted submission of the contested documents. Further, as discussed above, the Board noted that the basis for your counseling entry and ROSP was not limited to the alleged statements. Finally, the Board determined that the impact of the counseling entry and ROSP on future career opportunities is not a valid basis for removal. Thus, the Board 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,

12/17/2025

[REDACTED]

Executive Director

Signed by: [REDACTED]