



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 2687-25
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 14 January 2026. 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 Administrative Remarks (Page 11) counseling entry dated 17 April 2023 and the associated rebuttal. You contend the following:

- (1) The counseling entry “unjustly and disproportionately detracts from [your] outstanding military service and is not relevant to future commanders.”
- (2) The entry is not essential nor useful for future commanders as evidenced by the fact your actions were deemed to not warrant punitive action, an adverse fitness report, or relief from your duties.
- (3) The counseling entry was not warranted because your “fraternization was found to NOT be prejudicial to good order and discipline,” and the command investigation did not conclude the misconduct justified a permanent entry in your official military personnel file (OMPF).
- (4) The circumstances surrounding the signing of the entry and the counseling “create a discrepancy in the documentation, further questioning the validity of the entry.”

- (5) The entry was added to your OMPF well after the 30-day requirement and only “as a direct result of [your] Enlisted Commissioning Program declination.”
- (6) The counseling entry was unjust because you did not have an unduly familiar relationship with any direct senior member of your command and your actions were neither prejudicial to good order and discipline or of a nature to bring discredit upon the service.
- (7) Your “reasonable and proper interpretation of Navy Regulations 11165 is consistent with the clear and unambiguous language of 32 CFR 700.1165.”
- (8) The fraternization allegation is further undermined by the fact the Commanding Officer (CO) and subordinate commanders never lost trust and confidence in your ability to perform your duties and advise on critical matters.
- (9) The Board of Inquiry (BOI) for the Marine officer you allegedly fraternized with found that while there was evidence of conduct unbecoming (an article which you are subject to) there was no basis to substantiate the allegation of fraternization.
- (10) The Marine officer’s current status as a civilian that no longer serves in the military diminishes the relevance of the allegation and the need for its inclusion in your OMPF since “there is no chance of continued fraternization.”
- (11) The findings of the Board’s decision in BCNR Docket No. NR20220001106 are relevant to your case because you met the Marine officer outside the Marine Corps and you were not in the same unit nor stationed in the same location.

The Board, however, determined the Page 11 counseling entry of 17 April 2023 is an administrative remarks entry that creates a permanent record of matters your CO deemed significant enough to document. Further, the Board determined the CO has wide discretion regarding the subject matter of a Page 11 entry, and it is within his discretionary authority to determine if/when a Page 11 entry is warranted. The Board also noted you availed yourself of the opportunity to provide a rebuttal statement that has been included in your OMPF. The Board specifically noted you were counseled due to “not seeking appropriate guidance and/or counsel before engaging in a prohibited relationship. Your misinterpretation of Navy Regulation 1165 was preventable.” The Board, noting your Primary Military Occupational Specialty is Legal Services Specialist,” determined your CO appropriately chose to record your failure to seek advice since it is imperative that those who work in your specialty adhere to and properly interpret governing regulations. Further, the Board determined your contentions, as listed above, are without merit; especially your reference to the BOI results and argument that the current status of the individual you fraternized leaves you with “no chance of continued fraternization.” Based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant removing the Page 11 entry of 17 April 2023. Accordingly, given the totality of the circumstances, the Board determined 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,

1/29/2026

