



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

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Docket No. 4404-25
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 your Administrative Remarks (Page 11) entries dated 15 December 2023 and the associated rebuttal statement. The Board considered your contention that the administrative separation board (ASB) determined the evidence provided did not prove any of the acts you were accused of and you were retained.

The Board found that the contested counseling entries are valid, properly written, and correctly issued in accordance with the Marine Corps Separation and Retirement Manual and the Marine Corps Enlisted Promotion Manual. The entries were issued to counsel you for violating Uniform Code of Military Justice, Article 112a, and to notify you of an 18-month restriction on promotion eligibility. The record shows the counseling entry provided written notification of your deficiencies, specific recommendations for corrective action, resources for assistance, and the consequences for failing to take corrective action. In rebuttal to the counseling entries, you stated that you did not knowingly use a controlled substance.

The Board determined that your Commanding Officer acted properly and within his discretionary authority, and relied on a preponderance of evidence, including your positive urine test, which the Manual for Courts-Martial deems sufficient for a guilty finding. The Board also

determined that the outcome of your ASB has no bearing on the validity of your counseling entries. The administrative separation process is a separate and distinct proceeding; its purpose is to determine a service member's suitability for continued service, not to overturn other valid administrative actions.

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. In conclusion, the Board found 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,

1/27/2026

