



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 4522-25

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 21 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 determined that your 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 18 December 2024 Administrative Remarks (Page 11) entry and the associated rebuttal statement. The Board reviewed your contention that the Navy Criminal Investigative Service (NCIS) investigation found no misconduct or wrongdoing on your part. You argued that the counseling entry falsely alleges dereliction of duty and states you were fully present during the incident, despite evidence that you were absent during key moments and immediately informed your Senior Drill Instructor (SDI). You further claimed that your rebuttal aligns with the official investigation; asserting that brief laughter out of shock does not constitute misconduct and that you were punished more severely than another Staff Sergeant (SSgt) who failed to report the incident.

The Board noted the NCIS Report of Investigation (ROI) regarding allegations of assault and hazing concerning two █ recruits. The ROI indicated that, at the direction of a Drill Instructor (DI), a group of recruits conducting interior guard training forcibly took other recruits into the squad bay. Once inside, the victims' hands were taped behind their backs and their ankles were bound together. Subsequently, they were reportedly "water boarded." Your

statement to the investigator indicated that you observed the recruits bound inside the squad bay and reported the incident to █ (the SDI), who told you to get rid of the recruits. However, your SDI stated that you entered the DI duty hut laughing and told him to "look outside." Additionally, a witness stated he believed you and two other DIs were all present inside the squad bay after the recruits were taken upstairs. Based on the findings in the ROI, your Commanding Officer (CO) determined that your failure to intervene demonstrated immaturity and a lack of judgment warranted documenting.

The Board determined the counseling entry is valid and was issued in accordance with the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) for dereliction of duty; specifically, for being present during a substantiated hazing incident and failing to immediately intervene. In your rebuttal to the counseling entry, you admitted to understanding that your hesitation to immediately intervene and unbind the recruits represented a lapse in judgment. The Board also determined that the contested counseling entry was properly written since it provided written notification concerning your deficiencies, specific recommendations for corrective action, resources for assistance, informed you of the consequences of failing to take corrective action, and afforded you the opportunity to submit a rebuttal. The Board determined that your CO acted within his discretionary authority and was best situated to evaluate the facts and assess your misconduct. Finally, the Board was not persuaded by your contention that your counseling entry was unjust based on the command's decision to issue a non-punitive letter of caution to another member who was present. The Board noted you provided no evidence, other than your statement, to substantiate your contention and determined it lacked the necessary evidence to reach such a conclusion. The Board also noted that no two cases are exactly alike and, again, concluded your CO was best situated to evaluate the facts and determined the best course of action in each case.

Moreover, 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 presumes 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,

2/4/2026

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Executive Director

Signed by: █