



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

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Docket No. 5760-25
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 4 March 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 your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board to requesting to remove from your record the Administrative Remarks (Page 11) dated 10 December 2020 and rebuttal statement. Your request was denied on 29 October 2024. You submitted a request for reconsideration in which you seek the same relief.

The Board carefully reconsidered your request to remove the Page 11 and associated rebuttal statement. The Board considered your contentions that the Command Investigation (CI) was not substantiated, and your former commanding officer (CO) did not substantiate the allegations. You also contend that the counseling entry is an erroneous administrative action because your CO had initially indicated that you would be counseled with a Non-Punitive Letter of Caution (NPLOC). As new material, you provided correspondence from current CO recommending removal of the counseling entry.

In its review, the Board noted the Investigating Officer's recommendation and the CO's endorsement of the CI. The Board, however, upheld the previous Board's determination that your counseling entry is valid as written and filed. While CO's initial intent was to provide a NPLOC, the subsequent decision to issue a formal counseling entry fell within the scope of his discretionary authority. As a result, his action was not inherently erroneous. The Board found no evidence, and you provided none, to suggest the counseling entry was issued erroneously. Further, the Board determined that the command's decisions, which were made contemporaneously with the incident, were of greater evidentiary value than the correspondence received from your current Commanding Officer. The record confirms that your CO signed the counseling entry, you acknowledged it, and your rebuttal statement was properly filed in your official record. Therefore, the Board concluded that 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,

3/20/2026

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Executive Director

Signed by: █