



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

Docket No. 6615-25
Ref: Signature Date

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 18 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.

The Board carefully considered your request to remove or modify the Administrative Remarks 6105 counseling entry, dated 18 December 2024, and any reference to your Relief for Cause (RFC) from your Official Military Personnel File (OMPF). You contend that the available evidence, which led to the counseling entry and your RFC, did not meet the Office of Special Trial Counsel's charging standards for sufficient admissible evidence to obtain and sustain a verdict rendered by a reasonable, unbiased trier of fact. You believe the Trial Counsel's finding undermine the justification for the counseling entry and your RFC.

The Board, however, found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal or modification of the counseling entry or removal of reference to your RFC. Specifically, the Board found that the trial counsel's determination in your case had no bearing on the validity of the counseling entry or RFC. The Board opined, it is immaterial whether or not criminal charges were brought concerning your misconduct, as

criminal charges and counseling entries serve different purposes, and decisions to bring charges, or issue counseling entries, are made according to different guidelines and requirements. While criminal charges are the foundation of the judicial process, and may result in conviction and sentencing, counseling entries are administrative in nature and non-punitive. Because they serve different purposes, a counseling entry need not meet a trial counsel's charging standards. Rather, a counseling entry is an administrative tool which documents a commander's decision. It must provide (1) written notification concerning deficiencies, (2) specific recommendations for corrective action, (3) where to seek assistance, (4) consequences for failure to take corrective action, (5) and afford the member an opportunity to submit a rebuttal. It must also be signed by the Marine and commanding officer (CO). The Board found your entry properly documents your misconduct, that it was within your CO's discretion to make the entry, and that it meets all aforementioned requirements. Therefore, the Board concluded, it is without error and remains valid.

Similarly, the Board found your RFC was properly justified by your misconduct. Again, the decision of the trial counsel, who was bound by different requirements than your CO, has no bearing on your CO's decision to relieve you of your duties. Additionally, and on this point, the Board noted, in your response to the counseling entry, you admitted your failings. Specifically, you acknowledged you were the leader, and that it was your responsibility to maintain control and ensure all actions of the Marines under you aligned with standards. You additionally admitted that your oversight was insufficient, and that your lack of guidance to, and control of, your Marines allowed the situation to develop. The Board found these admissions further confirmed the validity of your counseling entry and the appropriateness of your RFC. The Board thus concluded, there is no probable material error, substantive inaccuracy, or injustice warranting a correction to your record. 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,

3/31/2026

