



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

Docket No. 7051-25
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 1 April 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 a 6105 counseling entry from your Official Military Personnel File (OMPF) and to reinstate your promotion to Gunnery Sergeant (GYSGT). You contend that the counseling entry was based on an allegation that was not true and claimed pattern of misconduct not supported by the evidence.

As a preliminary matter, upon review of your record, the Board identified two 6105 counseling entries, one dated 18 July 2023, and another dated 19 July 2023. Because you did not specify which entry you desire be removed, the Board considered the removal of both entries.

That said, the Board found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the removal of the counseling entries. Rather, the Board found that both counseling entries appeared to be valid, and made in accordance with the Marine Corps Separation and Retirement Manual (MARCORSEPMAN). Specifically, they each

provided written notification of your deficiency, specific recommendations for corrective action, where to seek assistance, consequences for failure to take correction action, and they each afforded you the opportunity to submit a rebuttal. Additionally, both you and your CO signed each entry and, in both cases, you indicated your intention not to submit a rebuttal. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers, and in the absence of substantial evidence to the contrary, will presume your CO, in issuing these entries, properly discharged his official duties. The Board found your evidence insufficient to overcome this presumption.

Regarding your desire for reinstatement of your promotion, Marine Corps Order (MCO) P1400.32D provides that the Commandant of the Marine Corps (CMC), alone, controls the number of Marines to be promoted to GYSGT. The Board further determined, in your case, that the CMC decided, within his discretion, to remove your name from the Fiscal Year 2023 GYSGT Promotion Selection List. His decision was based on your misconduct as documented by the aforementioned counseling entries that the Board deemed valid. Furthermore, as previously stated, the Board relies on a presumption of regularity to support the official actions of public officers, and in the absence of substantial evidence to the contrary, will presume the CMC, in removing your name, properly discharged his official duties. The Board found your evidence insufficient to overcome this presumption. As such, the Board found the removal of your name from the promotion list to be valid.

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,

4/13/2026

