



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

██████████
Docket No. 7783-25
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 22 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 carefully considered your request to remove the Administrative Remarks (Page 11) counseling entry dated 17 July 2025 and “any associated adverse documentation” because it is in error and you were not allowed an opportunity to review or rebut the counseling. Specifically, you contend the counseling was issued without prior corrective action or formal counseling, misrepresents the facts of the incident, and violates procedural fairness. Further, you claim the entry falsely claims you were disrespectful and refused a task. Lastly, you contend the entry shows bias, lacks fairness, and was written in retaliation after you filed an Equal Opportunity complaint against the leadership due to their creation of a hostile work environment.

The Board, however, determined the Page 11 counseling entry of 17 July 2025 is an administrative remarks entry that creates a permanent record of matters your Commanding Officer (CO) deemed significant enough to document. Further, the Board determined the CO has wide discretion regarding the subject matter of a Page 11 entry, and it is within his discretionary authority to determine if/when a Page 11 entry is warranted. Additionally, the Board found your contention you were counseled “without prior corrective action or formal counseling,” – which implies you were required to be counseled before you were issued a counseling entry – lacked merit. The Board also noted you did not provide supporting documentation to argue the facts of the counseling entry were misrepresented, violated procedural fairness, or were biased, lacked

fairness, or retaliatory. Based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant removal of the counseling entry.

The Board further determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC 1034. 10 USC 1034 provides the right to request Secretary of Defense review of cases with substantiated reprisal allegations where the Secretary of the Navy's (SECNAV's) follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with Department of Defense policy you have the right to request review of the SECNAV's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the SECNAV acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 USC 1034(c) the Secretary of Defense cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness, Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your Board application and final decisional documents; and, a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the Board, therefore, please also include previously presented documentation that supports your statements.

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,

5/7/2026

Executive Director

Signed by: