



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

Docket No. 8185-25
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 13 May 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, dated 12 June 2024, from your Official Military Personnel File. You contend that the investigation into the underlying misconduct was inconclusive and you were ultimately cleared of wrongdoing. In support of your request, you provided a letter from your commanding officer.

The Board, however, found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the counseling entry. Rather, the Board found the counseling entry valid, noting that it contained all elements required by the Marine Corps Performance Evaluation System Manual, in that it provided written notification concerning your deficiencies, offered specific recommendations for corrective action, explained where you could seek assistance, explained the consequences for failure to take corrective action, and afforded you the opportunity to submit a rebuttal, which you did not do. The Board opined, the opportunity to rebut the counseling entry was your chance, at the time the counseling entry was

issued, to challenge its contents or provide additional information. Additionally, the Board noted that a counseling entry is an administrative tool with purpose of documenting a commander's decision. It is given a presumption of regularity, which requires a Petitioner to provide substantial evidence that the commander's decision was unjust or was materially in error. Although you provide as evidence a letter from your current commanding officer requesting removal of the counseling entry from your record, the Board noted it was the Battalion Commander who issued the entry. The Board opined, the Battalion Commander who issued the entry was in the best position to determine whether issuance was appropriate, and that the opinion of your current CO, whether or not the underlying investigation was deemed inconclusive, does not negate the Battalion Commander's action. In short, the Board found you did not provide sufficient evidence to show that the Battalion Commander's decision to issue the entry was unjust or materially in error. For these reasons, the Board concluded the counseling entry is valid as filed and remains appropriate.

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,

6/2/2026

