



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

██████
Docket No. 8375-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 20 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 an Administrative Remarks (Page 11) 6105 counseling entry dated 9 May 2025 because you contend there is no evidence to support the entry and the injustice is affecting your career and military occupational specialty progression. Specifically, you contend the allegation was never substantiated through judicial or nonjudicial means yet a permanent administrative entry was placed in your record based solely on circumstantial and subjective evidence. You further contend the four elements of an Article 107 (false official statement) charge were not met because the evidence did not demonstrate criminal intent and the charge stemmed from "an inability to clearly recall a deleted text message during a recorded interview." You further explain that you "repeatedly and voluntarily stated [your] uncertainty during that interview, qualifying [your] responses as estimates based on memory." Additionally you contend there was no possibility of deception because, at the time of questioning, you did not have access to the messages because they had been deleted months earlier but the investigating agent possessed them so any falsehood would have been instantly contradicted by the evidence. Further, you contend you were never afforded the opportunity to

defend yourself or allowed the opportunity for court-martial. Instead, a 6105 was “issued unilaterally, without due process, and without documentation of the required elements of the offense. Lastly, you contend the issuance of the counseling entry has “undermined [your] professional standing, limited [your] eligibility for special duty assignments, and damaged [your] competitiveness for promotion. As a result of the entry, your premature reclassification from the Criminal Investigation Division (CID) created a stigma that “has had a chilling effect on [your] career trajectory, casting doubt on [your] integrity despite six years of honorable and incident-free service.”

The Board, however, determined the Page 11 counseling entry of 9 May 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. The Board found insufficient evidence of an error or injustice in the CO’s decision to document his decision you violated Article 107 of the Uniform Code of Military Justice by making a false statement to a CID Agent. Specifically, the CO determined that when you were questioned by the CID agent you provided a false statement. When asked whether you requested a key witness, which you had a relationship with, not to reveal their relationship to the investigator, you stated “it was meant to protect the investigation, not protect [your] career.” The Board determined your arguments regarding the elements of an Article 107 violation are without merit. The Board determined your explanation that you were unable to “clearly recall” and your repeated comments that your responses were based on your memory was not believable. Further, the Board noted you provide insufficient evidence to overcome the presumption of regularity that has attached to the CO’s determination you violated Article 107. Lastly, the Board noted you availed yourself of the opportunity to submit a statement and your written rebuttal, which includes the arguments you now assert, is included in your official military personnel file (OMPF).

The Board also carefully considered your request to remove an adverse fitness report but noted you did not specify which fitness report nor does your OMPF contain an adverse fitness report related to the contested counseling entry.

Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting removal of the Page 11 counseling entry or “an adverse fitness report.” 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,

6/8/2026

