



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 5921-08  
20 August 2008

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a member of the United States Marine Corps, filed an application with this Board requesting that an entry showing that he received nonjudicial punishment (NJP) on 19 January 2002 be removed from the Marine Corps Total Force System (MCTFS).

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 5 August 2008 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application was filed in a timely manner.

c. Attached at enclosure (1) is an advisory opinion from Headquarters Marine Corps, Military Law Branch, Judge Advocate Division (JAM) which points out that by Petitioner's own admission he received NJP in January 2005 which was not entered in his service record book. Further there is no record of the NJP in January 2005 or any other date in the appropriate Unit Punishment Book (UPB) or anywhere else in his service record. The only record of an NJP is an entry in MCTFS showing that he received NJP on 19 January 2002. This entry is obviously in error because he did not enlist in the Marine Corps until 26 June 2003. Since there is no evidence to support an NJP in 2005 and the 19 January 2002 entry is obviously in error, the advisory opinion recommends that the MCTFS entry showing that he received

NJP on 19 January 2002 be removed.

CONCLUSION:

Upon review and consideration of all the evidence of record and especially the recommendation contained in the advisory opinion the Board concludes that Petitioner's request warrants favorable action. Therefore, the 19 January 2002 MCTFS entry should be removed from that database and from any other place that it appears in Marine Corps records.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by removing the NJP entry of 19 January 2002 from MCTFS and any other database or record where it might appear.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

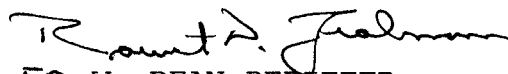
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director