



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

BJG
Docket No: 10276-12
24 October 2012

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 4 Oct 12 w/attachments

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by removing all references to his nonjudicial punishment (NJP) of 15 February 2012.

2. The Board, consisting of Messrs. Gattis, Hedrick and Zsalman, reviewed allegations of error and injustice on 23 October 2012, 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. Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. On 15 February 2012, Petitioner received NJP for failure to obey a lawful order. His punishment was forfeiture of \$990.00 per month for two months and reduction in rank from corporal (pay grade E-4) to lance corporal (pay grade E-3). He was honorably discharged from the Marine Corps Reserve on 5 March 2012, and assigned an RE-1A (recommended for preferred reenlistment) reenlistment code. By letter dated 7 September

2012 (enclosure (1)), the Commander, Marine Forces Reserve, set aside the NJP.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the letter from the Commander, Marine Forces Reserve setting aside the NJP, the Board finds an error and injustice warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing all references to his NJP of 15 February 2012, to include the Unit Punishment Book (NAVMC 10132) form. This shall include giving him back his forfeitures of \$1,980.00, his rank of corporal (pay grade E-4) with his original date of rank and effective date, and promotion to the rank of sergeant (pay grade E-5) if eligible.

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 a copy of 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. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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.



ROBERT D. ZSALMAN
Acting Executive Director