



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

TJR  
Docket No: 3306-14  
7 November 2014

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case Summary  
(3) Petitioner's naval record  
(4) HQMC MPLB JAD (JPL) ltr dtd 3SEP14  
(5) HQMC MIQA MISD (MIQ) ltr dtd 26SEP14

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that her naval record be corrected by removing any and all derogatory material referencing the imposition of nonjudicial punishment (NJP) on 4 April 2012 for failure to obey a lawful order and an administrative remarks (Page 11) entry regarding her nonrecommendation for promotion due to the NJP, also dated 4 April 2012. This request includes, but is not limited to any and all other references surrounding the circumstances of this material as reflected in her Official Military Personnel File (OMPF), Electronic Service Record (ESR), and the Marine Corps Total Force System (MCTFS), where applicable.

2. The Board, consisting of Messrs. Exnicous, Midboe, and Ruskin, reviewed Petitioner's allegations of error and injustice on 28 October 2014 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. In addition, the board considered the advisory opinions (AOs) furnished by Headquarters Marine Corps, copies of which are provided as enclosures (4) and (5).

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.

TJR

Docket No: 3306-14

b. Enclosure (1) was filed in a timely manner.

c. Petitioner's record contains an NJP dated 4 April 2012, which reflects that she was guilty of failure to obey a lawful order. It also contains a page 11 entry which refers to nonrecommendation for promotion due solely to this NJP.

d. Two AOs, enclosures (4) and (5), received from the Marine Corps regarding Petitioner's request to remove the improperly documented NJP and references thereto recommended relief. In this regard, the advisory opinions state, in part, that the NJP should be removed because it contained administrative errors, was improperly documented, and failed to comply with applicable regulations. The AOs further state that because the page 11 was based solely on the circumstances as documented in the NJP, it too should be removed from the OMPF, ESR, and MCTFS, as well as all adverse material referencing the NJP and nonrecommendation for promotion.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board substantially concurs with the comments contained in the AOs and concludes that since the documentation, as it appears in the record, is inaccurate as written and filed, all references should be removed from the record.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing and/or totally obliterating the NJP and page 11 entry both dated 4 April 2012, and all references thereto.

b. That any and all materials 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 materials 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

TJR

Docket No: 3306-14

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.



T. J. REED  
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 Regulation, 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 J. O'NEILL  
Executive Director