



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

SJN  
Docket No: 5468-14  
3 June 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 May 2015. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 14 October 2009. On 14 August 2012, you did not demand a trial by court-martial, and elected to accept nonjudicial punishment (NJP), subject to your right to appeal. On 15 August 2012, you received NJP for reckless driving by driving the wrong way on a dual lane highway, while under the influence of alcohol. You did not appeal your commanding officer's (CO) decision to impose NJP, were counseled and warned that further misconduct could result in administrative discharge action. You elected not to submit a rebuttal to the warning. You submitted court documents alleging that on 8 December 2012, civil authorities found you not guilty of driving while impaired, but guilty of driving in the wrong direction. However, the finding was in no way related to the NJP you received from your CO on 15 August 2012. You remained on active duty until 13 October 2013, when you were honorably released from active duty at the completion of your required active service and transferred to the Navy Reserve.

The Board concluded that your CO's decision to impose NJP was appropriate, and it was administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP is not warranted, and that such action would be unfair to your peers, against whom you will compete for promotions and assignments. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written over the word "Sincerely,".

ROBERT J. O'NEILL  
Executive Director