



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

TJR  
Docket No: 6072-14  
19 December 2014

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

Subj: REVIEW NAVAL RECORD OF [REDACTED]  
USMC, [REDACTED]

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

Encl: (1) DD Form 149 with attachments  
(2) Case summary with attachments  
(3) Subject's naval record/CD  
(4) HQMC JPL memo dtd 29OCT14

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 references to the nonjudicial punishment (NJP) imposed on 5 March 2012. This request includes, and is not limited to, removal of the NJP, any administrative remarks (Page 11) entries, and all references thereto from her Official Military Personnel File (OMPF), Electronic Service Record (ESR), and the Marine Corps Total Force System (MCTFS).

2. The Board, consisting of Messrs. Gattis, O'Neill, and Sproul, reviewed Petitioner's allegations of error and injustice on 16 December 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.

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

c. Petitioner received NJP on 5 March 2012 for two specifications of failure to obey a lawful order, specifically, wrongful possession of drug paraphernalia and speeding. The punishment imposed was reduction to paygrade E-3, reduction to Grey Belt, a \$1,868 forfeiture of pay, and extra duty for 30

days. The forfeitures and extra duty were suspended for six months. On the same day she received two page 11 counselling entries regarding the imposition of the NJP and reduction to Grey Belt.

d. On 21 February 2013, the successor to the commanding officer who imposed the NJP, submitted a letter setting it aside. The letter stated in essence, that the punishments awarded were inaccurate and unjust, and that Petitioner's original date of rank to Corporal was to be reinstated and her composite score recomputed. As such, it inferred that all rights, privileges, and property affected by virtue of the NJP shall be restored.

e. An advisory opinion from HQMC JPL, enclosure (4), stated that, in light of the commanding officer setting aside the NJP, relief was warranted. The advisory opinion also recommends relief be granted because Petitioner provided substantial evidence demonstrating the existence of a probable error or injustice.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the commanding officer's letter to set the NJP aside and the advisory opinion from HQMC JPL that concurred with the commanding officer, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board concludes that since the commanding officer set aside the NJP, all references in her record regarding it should be removed or obliterated. With that being said, any and all documents, to include, but not limited to, the Unit Punishment Book entry, Administrative Remarks (Page 11) entries, and any other references, should be expunged 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 totally obliterating or removing the 5 March 2012 NJP and page 11 entries, and all other references thereto.

b. That Petitioner's naval record be corrected by removing all references to both the reduction to paygrade E-3 and reduction to Grey Belt, and that all rights, privileges, and property affected by virtue of the NJP be restored.

c. 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.

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