



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

[REDACTED]  
Docket No. 3542-16  
MAY 22 2017

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

Subj: REVIEW OF NAVAL RECORD ICO  
[REDACTED] USMCR

Ref: (a) Title 10 U.S.C. 1552  
(b) Manual for Courts Martial

Encl: (1) DD Form 149 w/attachments  
(2) UPB entry of 14 Mar 14  
(3) HQMC memo 1070 JPL dtd 12 Dec 16

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to remove page two of the Unit Punishment Book (UPB) dated 21 March 2014 from his Official Military Personnel File (OMPF).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 7 March 2017 and, pursuant to its regulations, determined that the partial 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. Per the enclosures, on 26 January 2014, while serving with Combined Joint Task Force – [REDACTED] Petitioner conducted a liberty trip with both officer and enlisted service members. During this trip, they fled the scene of an accident and consumed alcohol in the liberty van. On 14 February 2014, Petitioner made a statement to a U.S. Navy, Criminal Investigation Division (CID) investigator and claimed that he did not see anyone consume alcohol in the van.

c. On 5 March 2014, in accordance with reference (b), the Petitioner was notified that his commanding officer (CO) was considering imposing non-judicial punishment (NJP) upon him for violations of Article 81 (conspiracy), Article 92 x 2 (failure to obey order or regulation), and Article 107 (false official statement) of the Uniform Code of Military Justice (UCMJ) for

conspiring to provide false statements about the liberty strip, having open containers of alcohol in a vehicle, fraternization, and making a false official statement about the use of alcohol on the liberty trip. On 14 March 2014, Petitioner received NJP and was found guilty of the alleged Article 107 offense, but not guilty of the other offenses alleged. The Petitioner did not appeal.

d. In correspondence attached as enclosure (3), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has partial merit and warrants partial favorable action.

#### CONCLUSION

Upon review and consideration of all the evidence of record, and in light of the enclosures and references, the Board believes that the Petitioners request to remove page two of the UPB is not warranted. The Board agrees with enclosure (3) in that page two of Petitioner's UPB entry dated 21 March 2014 should be amended to be in accordance with Navy directives. In view of the foregoing, the Board finds the existence of an error or injustice warranting the following partial corrective action.

#### RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. The Petitioner's charge I and charge II listed on page 2 of his NAVMC 10132 (UPB) dated 14 March 2014, be redacted from his OMPF.


b. In so far as Petitioner's request for corrective action that exceeds the foregoing, the Board concurred with the advisory opinion. The Petitioner has not satisfied the existence of an error or injustice to warrant the removal of page two of the UPB dated 14 March 2014. No further relief be granted.

c. 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.

4. It is certified that 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.

  
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.

  
Executive Director