



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

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Docket No: 3839-21
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 1 February 2022. 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, relevant portions of your naval record, and applicable statutes, regulations, and policies.

On 29 October 2020, you received an Administrative Remarks Page 11 entry and non-judicial punishment (NJP) for receiving a ticket on 16 October 2020 for driving in a reckless and wonton manner by driving 132 miles per hour (mph) in a 55 mph zone. The Board carefully considered your request to remove from your official military personnel file (OMPF) the NJP and Page 11 as the █ County District Court dismissed the reckless driving charge and reduced your ticket to speeding 70 mph in a 55 mph zone.

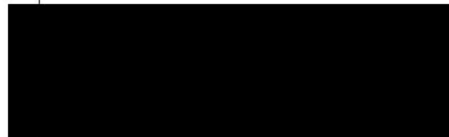
The Board noted a civilian court dismissal and the actions of the Marine Corps are separate and distinct and neither is dependent upon the other for legitimacy. Based on the known facts, your Commanding Officer determined that you violated Article 113 of the Uniform Code of Military Justice, reckless operation of a vehicle. The Board further noted that you voluntarily accepted NJP and you chose not to appeal the imposition of NJP, nor did you submit a rebuttal to the Page 11. Finally, the Board took notice of your statement in your adverse fitness report covering the period 15 September 2020 to 29 October 2020; you stated, "I understand I was in the wrong for the decision I made and am fully accepting of the consequences that have adhered from this decision."

The Board determined that the evidence provided does not overcome the presumption of regularity to prove that the actions taken in your case, to impose NJP and issue a Page 11, were improper. The Board thus concluded that your non-judicial punishment and Page 11 entry do not constitute a material error or injustice warranting removal from your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. 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,

2/9/2022

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Executive Director

Signed by:

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