



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: 585-22
Ref: Signature Date

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Dear Petitioner:

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 26 April 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 6 October 2021, you received an Administrative Remarks Page 11 entry and non-judicial punishment (NJP) for violating Article 92 of the Uniform Code of Military Justice (UCMJ) by getting an unauthorized tattoo on your left elbow on or about 18 September 2021. You were reduced in rank to █. The Board carefully considered your request to remove the NJP and the counseling entry. You contend that the NJP and counseling entry are unjust because Marine Corps Bulletin (MCB) 1020, the Marine Corps Tattoo Policy, changed on 29 October 2021, and the current policy does not prohibit your elbow tattoo. You included an endorsement from your company commander.

The Board noted that at the time you received the elbow tattoo MCB 1020 prohibited Marines getting tattoos on their elbow and you were aware of this prohibition. 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.


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. In making this finding, the Board considered your actions in willfully violating MCB

1020 and determined your conduct was appropriately punished with a reduction in rank. 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,

5/24/2022

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Executive Director

Signed by:

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