



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

██████████  
Docket No. 2481-22  
Ref: Signature Date



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 16 June 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your non-judicial punishment (NJP) dated 26 November 2019. The Board considered your contentions that the correction must be made because the charges were dropped in civilian court as part of a Veterans Treatment Court Program. You assert you accelerated professionally while in the program, going above and beyond, getting meritoriously promoted, and participating in many USMC activities.

Based upon this review, after a thorough review of your records and the documentation you provided for consideration, the Board concluded there was insufficient evidence of an error or injustice. The Board took into consideration the decision of the District Court of ██████████ County, ██████████ to grant an expunction and dismiss the criminal charges, but noted they did so only after you successfully completed the terms of a Veterans Treatment Court Program, an alternative treatment program in lieu of trial. Additionally, although the criminal charges against you were

dismissed, the Board determined that dismissal does not exonerate you, the Commanding Officer is not bound by the civil court's decision, and the NJP is factual as to the events that occurred on that particular day. The Board also determined that your CO adhered to the requirements in the Manual for Court-Martial in issuing you the NJP, and there is nothing that precluded your CO from doing so. The Board thus concluded that the NJP does not constitute probable material error or injustice warranting removal from your official military personnel file. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

7/4/2022



Executive Director

Signed by:

