



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

██████████  
Docket No. 6244-22  
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 3 January 2023. 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, as well as the 15 November 2022 Advisory Opinion (AO) provided by the Headquarters Marine Corps Military Personnel Law Branch (JPL). The AO was provided to you on 16 November 2023. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove your nonjudicial punishment (NJP) from 24 February 2021. The Board considered your contention that you were found not guilty of the offense in civilian court.

The Board, however, substantially concurred with the AO that the NJP is valid as written and filed, in accordance with the applicable policy. In this regard, the Board noted that the civilian case was dismissed due to the suppression of unspecified evidence. Moreover, there is no evidence in your record, and you submitted none, that demonstrates that the dismissal of your civilian case rendered your NJP erroneous or unjust. The Board thus concluded that your request is lacking in sufficient evidence of error or injustice warranting 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,

1/30/2023

