



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

[REDACTED]
Docket No. 6742-22
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

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 applications on 27 September 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 carefully considered your request to remove your 27 September 2021 Relief for Cause Letter and your 3 November 2021 Administrative Remarks (Page 11) from your record as well as all adverse documentation related these documents including the command investigation, court-martial, and administrative separation. The Board noted your contention that the Special Court Martial Convening Authority (CA) dismissed the court-martial charges as well as your claim that the Administrative Separation (ADSEP) Board found a preponderance of the evidence does not prove any of the acts or omissions alleged in the notification. Additionally, the Board considered your claim that you should receive your recruiting ribbon for serving more than 31 months on recruiting duty.

However, the Board concluded that insufficient evidence of error or injustice exists to remove any of the requested documents from your record. The Board considered your contention that the CA dismissed the court-martial charges in your case. However, the Board noted that a Relief for Cause does not require a court finding to do so and it remains at the discretion of the Commanding Officer. In this regard, the Board noted that you were relieved for cause for recruiter malpractice and the loss of trust and confidence by your superiors. A decision supported by a command investigation that substantiated you committed recruiter malpractice.

In regards to your contention that the ADSEP board did not prove any of the actions or omissions alleged in the notification, the Board noted that the ADSEP board does not determine guilt or innocence and is administrative in nature with the fundamental purpose of determining suitability for continued service on the basis of conduct and the ability to meet and maintain required standards of performance. Finally, the Board found no evidence in your record that invalidates the findings of the command investigation into your case and you provided none. Therefore, based on these factors, the Board determined that all adverse matters related to your recruiting malpractice, including your Relief for Cause and associated page 11, are appropriately in your record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your claim that you should receive your Recruiting Ribbon based on your 31 months as a Canvassing Recruiter, the Board determined that you have not exhausted your administrative remedies. You must first submit your request for a missing award or exception to policy through the Marine Corps. Therefore, the Board took no action on this issue.

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,

10/20/2022



Executive Director

