



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

[REDACTED]  
Docket No. 2700-23  
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] [REDACTED]  
[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552  
(b) MCO 1070/12K (IRAM)  
(c) MCO 1900.16 (MARCORSEPMAN)  
(d) MCO P1400.32D (ENLPROMAN)

Encl: (1) DD Form 149 w/enclosures  
(2) 6105 counseling entry, 3 May 22  
(3) Page 11 promotion restriction entry, 3 May 22  
(4) DMV Order to Set Aside and Cancellation of Hearing, 6 Mar 22  
(5) CO, [REDACTED] ltr, 9 Sep 22

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to remove enclosures (2) and (3) from his official military personnel file.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 April 2023, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of the naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 3 May 2022, Petitioner received non-judicial punishment (NJP) for violation of Article 113 of the Uniform Code of Military Justice, for drunken and reckless operation of a vehicle. Petitioner was subsequently issued enclosures (2) and (3), documenting his NJP for an alcohol-related incident, and notifying him of his promotion restriction for a period of 12 months in accordance with references (b) through (d). The Petitioner acknowledged and signed both entries, and chose not to submit statements.

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[REDACTED]

b. On 6 March 2022, the Department of Motor Vehicles (DMV), Legal Affairs Division, set aside and cancelled the Petitioner's hearing based on a blood alcohol content of 0.00% on the date of arrest. Enclosure (4).

c. On 9 September 2022, the commanding officer, [REDACTED], set aside the Petitioner's NJP based on DMV's action, restoring Petitioner's rights, privileges, and property affected by virtue of the execution of his punishment. Enclosure (5).

d. Petitioner contends that the NJP was set aside, it is no longer in the Marine Corps Total Force System, and his rights were restored. However, his counseling entries related to the NJP remain in his record.

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting relief. In this regard, the Board determined that the Petitioner provided sufficient evidence of an injustice to remove enclosures (2) and (3). Specifically, the Board relied upon enclosure (5) in making its finding.

#### RECOMMENDATION

In view of the above, the Board directs the following corrective action:

Petitioner's naval record be corrected by removing enclosures (2) and (3) from his Official Military Personnel File.

No further changes be made to Petitioner's record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/12/2023

[REDACTED]