



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

██████████  
Docket No. 4152-23  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER SERVICE MEMBER ██████████  
██████████ XXX XX ██████████ USMC

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) Enlisted Documents/Chronological Record  
(3) DD214  
(4) Administrative separation documents ICCO ██████████ ██████████  
(5) NJP/UPB of 31 Oct 08  
(6) Administrative Remarks (Page 11) entry of 31 Oct 08  
(7) Punitive Reduction Order of 31 Oct 08

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 a nonjudicial punishment (NJP)/unit punishment book (UPB) held on 31 October 2008, and an Administrative Remarks (Page 11) entry and punitive reduction order, both dated 31 October 2008, from his official military personnel file (OMPF).

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 30 May 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 6 February 2008, Petitioner enlisted in the U.S. Marine Corps with a 6112 Military Occupational Specialty (MOS). On 11 September 2008, Petitioner transferred to Marine ██████████ for duty as a helicopter mechanic. Enclosures (2) and (3).

Subj: REVIEW OF NAVAL RECORD OF FORMER SERVICE MEMBER [REDACTED]

[REDACTED] XXX XX [REDACTED] USMC

c. On 22 November 2010, Petitioner was subject to a Summary Court-Martial for violation of Article 92 of the Uniform Code of Military Justice for possession of spice. Petitioner was reduced to E-1 and recommended for administrative separation. On 15 April 2011, Petitioner was administratively separated from the U.S. Marine Corps for misconduct, specifically drug abuse, with an Other Than Honorable characterization of service. Enclosures (3) and (4).

d. Contained in Petitioner's record is an NJP dated 31 October 2008, a Page 11 entry documenting the misconduct that was the subject of the NJP, and a punitive reduction in paygrade from the NJP. The member subjected to the NJP possesses the same name but a different social security number is listed. Petitioner contends the NJP, Page 11 entry and punitive reduction order in his OMPF were submitted in error as he was not the accused, but it was another Marine in his unit with a similar name and different social security number. Petitioner further contends that this error occurred throughout his discharge, which he was unaware of, and it made it seem as though he had a pattern of misconduct. Petitioner believes he was discharged due to a biased view of being a Marine with a pattern of misconduct. Enclosures (5), (6), and (7).

#### CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. In this regard, the Board determined that the Petitioner provided sufficient evidence that the challenged documents did not pertain to him and were submitted into his OMPF erroneously. The Board confirmed that the documents in question are of a Marine with a similar name who was in his unit at the time, but with a different SSN. The Board concluded that the NJP/UPB, Page 11 entry, and punitive reduction order, shall be removed from Petitioner's OMPF.

Regarding Petitioner's contention that the command may have perceived him as being a Marine with a pattern of misconduct, the Board determined that after a thorough review of Petitioner's record, and the evidence provided, there is no evidence that the command used this material during his administrative separation process nor as a factor in determining his characterization of service. Petitioner was notified of the basis of his separation, which was for drug abuse, and was subsequently discharged for the same. There was no mention of the NJP or counseling entry in the administrative separation documents. As such, the Board concluded that Petitioner's contention lacks merit.

#### RECOMMENDATION

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

Petitioner's naval record be corrected by removing enclosure (5), the NJP/UPD dated 31 October 2008, enclosure (6), the Page 11 entry dated 31 October 2008, and enclosure (7), the punitive reduction order dated 13 October 2008.

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material

Subj: REVIEW OF NAVAL RECORD OF FORMER SERVICE MEMBER [REDACTED]  
[REDACTED] XXX XX [REDACTED] USMC

be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

6/15/2023

[REDACTED]

Executive Director

Signed by: [REDACTED]