



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

██████████  
Docket No. 8166-23  
Ref: Signature Date

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██  
██

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 31 October 2023. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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.

The Board carefully considered your request to remove your 3 February 2023 non-judicial punishment (NJP)/unit punishment book (UPB), and the associated 3 February 2023 Administrative Remarks (page 11) counseling entries. You also request to remove any potential administrative separation action in relation to the NJP. The Board considered your contentions that you received NJP for a low level positive urinalysis for Tetrahydrocannabinol (THC), you pleaded not guilty but were found guilty by the Commanding Officer (CO), and you presented evidence that you were drugged by your wife. You claim that at NJP, you submitted evidence of your wife's confession to drugging you, photographs of her prior physical abuse, her criminal record, and had multiple people testify on your behalf. You also claim that your character witnesses testified that you are truthful and trustworthy, that your spouse abuses you, and she is the reason for your positive urinalysis. You further claim that the evidence shows that you unknowingly ingested THC, and was therefore drugged.

After a review of your official record, the Board found no evidence of any administrative separation documents other than your contested counseling entries; therefore, the Board did not consider this portion of your request.

The Board noted that you received NJP for violating Article 112a, Uniform Code of Military Justice (UCMJ) by wrongfully consuming THC. The Board also noted that prior to the imposition of NJP, you acknowledged your Article 31, UCMJ Rights, you were afforded the opportunity to consult with counsel, you accepted NJP, and did not appeal the punishment imposed. The Board determined that the CO is the fact finder at NJP and has the discretionary authority to weigh the credibility of the evidence presented. Your CO relied upon a preponderance of the evidence, that included your positive urinalysis and your evidence, and found you guilty at NJP. Thus, the Board determined that your NJP was conducted in accordance with the *Manual for Courts-Martial* (2019 ed.) and the Legal Support Administrative Manual.

Concerning the removal of your 3 February 2023 counseling entries, the Board determined that the counseling entries were required and properly issued in accordance with the Marine Corps Individual Records Administration Manual (IRAM) and the Marine Corps Enlisted Promotions Manual (MARCORPROMAN). The Board noted that you acknowledged the counseling entries and elected not to make a statement. The Board also determined that your election not to make a statement indicates that you understood the basis for the counseling entries. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the NJP or counseling entries from your record. 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,

11/21/2023

