



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

█  
Docket No. 9915-23  
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 13 December 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.

The Board carefully considered your request to remove the 21 July 2022 Report of Misconduct (ROM), 10 February 2023 Board of Inquiry (BOI) Report, and 16 February 2023 Status in the Navy (SIN) Letter. The Board considered your contention that according to the BOI Report, you were cleared of misconduct, specifically, violation of Article 92, Uniform Code of Military Justice (UCMJ). You claim that you were returned to fully mobilization ready, absent all Reserve Manpower Availability System (MAS) codes.

The Board noted that you provided a urines sample on 26 February 2022 that tested positive for THC8. The Board also noted that you were subsequently required to show cause, your BOI unanimously found that the preponderance of evidence did not support misconduct for violation of Article 92, UCMJ. However, your BOI did unanimously find that the preponderance of evidence did support Substandard Performance – failure to conform to prescribed standards of military department.

The Board determined that your ROM, BOI Report, and SIN Letter constitute adverse matters and were properly filed to your official record according to MILPERSMAN 1070-170. The Board noted that adverse matters are authorized to be filed in your permanent record if you were

afforded an opportunity to review and submit a statement concerning the adverse matter. The Board also noted that you provided a statement to the ROM on 6 May 2022 and your statement was properly filed in your record. The Board also determined that your return to being “fully mobilization ready” has no bearing on the validity of adverse material properly filed in your record. The Board thus concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

12/17/2023

