



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

██████████
Docket No: 8176-16

JAN 30 2018



Dear ██████████

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 January 2018. 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 advisory opinion (AO) provided in Headquarters, Marine Corps (JPL) memorandum dated 9 November 2017 was sent to you on 29 November 2017 for an opportunity to comment prior to being considered by the Board. After the 30 day period for comment expired without a response, the case was presented to the Board.

On 12 June 2016, you received nonjudicial punishment (NJP) for failure to obey an order or regulation after you recklessly operated a motor vehicle while under the influence of alcohol. Additionally, you were issued an adverse fitness report (FITREP) for the reporting period 21 May 2016 to 13 July 2016.

The Board carefully considered your desire to remove the NJP and your adverse FITREP from your Official Military Personnel File (OMPF). The Board considered your contention that you appeared in civil court and the driving under the influence charges were reduced to reckless driving. The Board significantly concurred with the AO and concluded that you did not sufficiently substantiate the existence of an error or injustice. The Board also concluded that your Commanding Officer's decision to impose NJP was appropriate, within his discretionary authority, and administratively and procedurally correct as written and filed. Regarding your request to have the adverse FITREP removed from your OMPF, a preliminary review of your

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request revealed that you have not exhausted all of your administrative remedies in that you have not first sought relief through the Headquarters, Marine Corps Performance Evaluation Review Board (PERB). Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously 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,

[REDACTED]

Executive Director

[REDACTED]