



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

[REDACTED]
Docket No: 0651-17
DEC 27 2017

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

Subj: REVIEW OF NAVAL RECORD ICC [REDACTED] USMC,
XXX XX [REDACTED]

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149
(2) Preliminary Inquiry of 19 Jun 15
(3) Punitive Letter of Reprimand of 8 Jul 15
(4) Report of Nonjudicial Punishment (NJP) of 17 Jul 15
(5) Army Substance Abuse Program Enrollment Form
(6) Substance Abuse Control Officer Referral Information

1. Pursuant to the provisions of reference (a), Petitioner, a commissioned officer of the Marine Corps, filed enclosure (1) with this Board requesting the that the notification of nonjudicial punishment (NJP) and the preliminary inquiry to state that the determining factor for missing movement was neglect not for being under the influence of alcohol and the letter of reprimand be corrected to show that he was reprimanded for violating Articles 87 and 92 vice Article 92 and 133 of the Uniform Code of Military Justice (UCMJ). Enclosures (1) through (6) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 October 2017, and pursuant to its regulations, determined that the partial corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the Petitioner's application, together with all material submitted in support thereof, relevant portions of the Petitioner's naval record 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 19 June 2015, a preliminary inquiry (PI) was conducted into the facts and circumstances surrounding the Petitioner's alleged misconduct. Specifically, the Petitioner missed a pre-deployment site survey movement after he was deemed too sick to fly due to over indulgence of alcoholic beverages. The Preliminary Inquiry Officer (PIO) recommended that the Petitioner receive a non-punitive letter of caution for missing movement. See Enclosure (2).

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c. On 8 July 2015, the Petitioner received NJP for violation of Article 87 (Missing Movement) and Article 92 (Failure to obey an order or regulation) of the UCMJ. Petitioner was awarded a punitive letter of reprimand. See Enclosures (3) and (4).

d. Petitioner contends that enclosures (5) and (6) were entered into his Official Military Personnel File (OMPF) without his knowledge and therefore did not have a chance to submit a rebuttal statement.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concluded that Petitioner's request warrants partial relief.

In reaching its conclusion, the Board after careful consideration of the Petitioner's record, the Board concluded that that the Punitive Letter of Reprimand (PLOR) is in error and should be corrected, and therefore redact the following words from the PLOR "133" and replace with "87". Further, the Petitioner should be afforded the opportunity to submit a rebuttal statement to enclosures (5) and (6).

In view of the foregoing, the Board recommends the following corrective action:

RECOMMENDATION:

Petitioner's naval record be corrected by redacting the PLOR dated 8 July 2017 that reads "133" and replace with "87" and afford the Petitioner an opportunity to submit a rebuttal statement to enclosures (5) and (6).

No further relief be granted.

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.

[REDACTED]
Recorder

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XXX XX [REDACTED]

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.

[REDACTED]
Executive director