



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

[REDACTED]  
Docket No: 7199-17

JAN 03 2018

[REDACTED]


Dear [REDACTED]

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 13 December 2017. 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.

On 8 May 2015, you were cited for violating [REDACTED] Vehicle Code 2315(a) – Driving Under the Influence (DUI). On 19 August 2015, you received nonjudicial punishment (NJP) for failure to obey a lawful order: Having knowledge of a lawful order, issued by [REDACTED] Marine Aircraft Wing on Drug and Alcohol Abuse. On or about 8 May 2015 fail to obey the same when you were involved in an alcohol related incident when you were arrested for DUI with a BAC of 0.08% or higher by civilian authorities.


The Board carefully considered your desire to remove the NJP, Page 11 counseling entry, and the adverse fitness report for the period 12 May 2015 to 19 August 2015 from your Official Military Personnel File (OMPF). The Board considered your contention that your civilian case was dismissed on 30 December 2016. The Board also considered your submission of the citation supporting your contention that your civilian case was dismissed. The Board concluded these factors were not sufficient to warrant the removal of the NJP and Page 11 counseling entry. In this regard, the Board concluded that the Commanding Officer's decision to impose NJP and issue a Page 11 counseling was appropriate, within his discretionary authority and administratively and procedurally correct as written and filed. Regarding your request to have the fitness report removed covering the period 12 May 2015 to 19 August 2015, a preliminary

  
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review of your request revealed that you have not exhausted all of your administrative remedies in that you have not first sought relief through the 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,

  
Executive Director