



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

██████████
Docket No. 3674-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF ██████████
XXX XX ██████████ USMC

Ref: (a) Title 10 U.S.C. § 1552

- Encl: (1) DD Form 149 w/attachments
(2) NAVMC 10132 Unit Punishment Book, 24 Oct 22
(3) NAVMC 118(11) Administrative Remarks 6105 (Page 11), 24 Oct 22
(4) ██████████ 28 Oct 22
(5) NAVMC 118(11) Administrative Remarks, 27 Jan 23
(6) Fitness report for the reporting period 15 Jun 22 to 24 Oct 22
(7) ██████████ ltr 1070 CO, 28 Mar 24

1. Pursuant to the provisions of the reference, Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing enclosures (2) through (6).

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner's allegations of error and injustice on 30 April 2024, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner did not exhausted all administrative remedies available under existing law and regulations within the Department of the Navy regarding her request to remove her fitness report. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 24 October 2022, Petitioner received non-judicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 92 for unauthorized practices (elevated planks, wall squats, wagon wheel, knuckle planks on gravel) and unsafe location for Incentive Training (the head and/or rain room). Petitioner pleaded guilty, and the Commanding Officer (CO) awarded forfeitures of pay, which were suspended for six months. Enclosure (2).

b. On 24 October 2022, Petitioner was issued a 6105 Page 11 entry documenting the NJP and counseling her for violating Depot Order 1510.32A as substantiated by a Command

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Investigation. Petitioner acknowledged the entry and elected to submit a statement. Enclosures (3) and (4).

c. On 27 January 2023, Petitioner was issued a page 11 entry as notification that she is being transferred and the entry acknowledged her promotion restriction status and NJP. The entry also noted the CO's recommendation that her promotion be reinstated. Enclosure (5).

d. Petitioner received an adverse fitness report for receiving disciplinary action. Enclosure (6).

e. In correspondence dated 28 March 2024, the officer that imposed NJP removed Petitioner's NJP. As justification, the officer indicated that the NJP is cancelled due to a clear injustice, i.e. the event in the Command Investigation resulted in a dismissal at court martial for the senior member of the Drill Instructor Team. Given that the senior Marine was not held accountable for the acts which resulted in Petitioner's NJP, he voided the NJP. Enclosure (7).

f. In her petition, Petitioner contends the correction should be made based on the removal her NJP. Enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial corrective action. In this regard, the Board noted the correspondence from the officer that imposed NJP and found it persuasive. The Board determined that Petitioner's NJP was set aside in compliance with the Manual for Court-Martial (MCM) (2019 ed.). Based upon the setting aside of Petitioner's NJP, the Board determined that all documents related to the NJP should be removed.

Notwithstanding the Board's determination that an injustice exists in Petitioner's record, the Board concluded that Petitioner has not yet exhausted her administrative remedies by requesting correction of her fitness report through the Marine Corps Performance Evaluation Review Board. Therefore, the Board took no action related to that aspect of her request.

RECOMMENDATION

In view of the above, the Board directs the following corrective action.

Petitioner's naval record be corrected by removing enclosures (2) through (5).

Any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

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.

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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 Regulations, 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.

5/17/2024

