



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

██████████  
Docket No. 4081-24  
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 118(11) Administrative Remarks 6105 (Page 11), 2 Nov 23  
(3) NAVMC 118(11) Administrative Remarks promotion non recommendation, 2 Nov 23  
(4) NAVMC 118(11) Administrative Remarks, 21 Nov 23  
(5) NAVMC 118(11) Administrative Remarks promotion non recommendation, 21 Nov 23  
(6) CO, ██████, ██████ 15 Mar 24  
(7) CO, ██████, ██████ 16 Apr 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 (5).

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 exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 2 November 2023, Petitioner was issued a 6105 Page 11 entry for illegal drug involvement: possession, introduction etc... of a controlled substance as stated in CID MCAS Miramar report. On the same date, Petitioner was notified that she was eligible but not recommended for promotion to Sergeant due to illegal drug involvement. Petitioner acknowledged the entries and elected to submit a statement. There is no evidence of statements in her official record. Enclosures (2) and (3).

b. On 21 November 2023, Petitioner received non-judicial punishment (NJP) for violating Uniform Code of Military Justice (UCMJ) Article 92 (two specifications). Enclosure (4).

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c. On 21 November 2023, Petitioner was issued a Page 11 entry documenting the NJP and counseling her for violating Article 92, UCMJ. On the same date, Petitioner was notified that she was eligible but not recommended for promotion to Sergeant due to NJP. Petitioner acknowledged the entries and elected not to submit a statement. Enclosures (4) and (5).

d. In correspondence dated 15 March 2024, the officer that imposed NJP set aside Petitioner's NJP. As justification, the officer indicated that since the NJP new information/evidence that has been brought to his attention that would have changed the outcome of the case. Enclosure (6).

e. In correspondence dated 16 April 2024, the Commanding Officer, [REDACTED], [REDACTED], [REDACTED] requested the removal of enclosures (2) through (5). As justification, he indicated that new information/evidence that has been brought to his attention that would have changed the outcome of Petitioner receiving the counselings. He also noted that he set aside the NJP and Petitioner's official record has been cleared. Enclosure (7).

f. In his petition, Petitioner contends the correction should be made due to the Commanding Officer's appeal to drop all charges and disciplinary action. Enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting corrective action. In this regard, the Board noted the correspondence from the CO [REDACTED] requesting to remove Petitioner's counseling entries and found it persuasive. The Board also noted that the same CO previously set aside Petitioner's NJP and indicated that any record of the NJP was removed from Petitioner's official record. The Board determined that Petitioner's NJP was properly set aside in compliance with the Manual for Court-Martial (MCM) (2019 ed.). Based upon the setting aside of Petitioner's NJP and the CO's request, the Board determined that removal of the counseling entries is warranted.

## 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.

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

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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

