



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

█  
Docket No. 4655-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 16 May 2024. 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 Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the nonjudicial punishment (NJP) you received when you called a fellow Marine a "boot." You contend the comment "fit the conversation of laughs and joking" and your "intent behind it was not meant as disrespectful or be-litt[ling] but as a friendly banter and sarcasm" after working alongside one another for a number of months and becoming "familiar with each other's ways of communications and bantering." Additionally, you contend you explained the context behind your comment to the Marine and "followed it with an apology" but the "Marine still chose to take it personally disregarding the feeling of regret [you] expressed." You also contend NJP should not have been imposed "due to lack of support from [your] chain of command" and because the "punishment did not match the crime." You further contend you were left "to deal with the NJP alone" which made you feel isolated and without "options of how [you could] handle it."

The Board, noting you did not provide any documentation or evidence to support your contentions, presumed regularity in the Commanding Officer's (CO's) decision to administer NJP. The Board further noted you chose not to appeal the NJP. Additionally, the Board noted the CO issued an Administrative Remarks (Page 11) counseling entry following the NJP and although you were provided an opportunity to rebut the counseling entry, you chose not to provide a rebuttal statement explaining the issues you now contend in your request for relief. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

6/4/2024

