



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

█  
Docket No. 8596-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF █  
█

Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 w/enclosures  
(2) CO, █ 5812 CO Memo, subj: Setting Aside of Non-Judicial Punishment  
ICO [Petitioner], 4 June 2024  
(3) Administrative Remarks (Page 11) counseling entry of 3 July 2023  
(4) Administrative Remarks (Page 11) entry of 3 July 2023

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 removal of the Administrative Remarks (Page 11) counseling entry dated 3 July 2023, the Page 11 entry dated 3 July 2023, and all documentation related to the nonjudicial punishment (NJP) imposed on 3 July 2023.

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 12 September 2024 and, pursuant to its regulations, determined 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. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. Commanding Officer (CO) █ imposed NJP on Petitioner, on 3 July 2023, for failing to obey an order/regulation by operating a motor vehicle, on 26 June 2023, while under the influence of alcohol.

c. Petitioner was issued enclosure (3), an Administrative Remarks (Page 11) counseling entry, on 3 July 2023, which specifically noted the NJP of 3 July 2023. Additionally, he was issued enclosure (4), a Page 11 entry acknowledging he was in a promotion restriction status for a period of 12 months as a result of the 3 July 2023 NJP.

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

d. On 4 June 2024, [REDACTED], set aside the 3 July 2023 NJP because the “circumstances that resulted in the above punishment were developed with data derived from a coercive military police (MP) action, and in my belief would have never held weight in any court of law.” The CO restored “[a]ll rights[,] privileges, and property.” See enclosure (2).

e. Petitioner contends the contested documents should be removed because the CO set aside the NJP. See enclosure (1).

## CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner’s request warrants relief. Relying on enclosure (2), the Board determined the Page 11 entries at enclosures (3) and (4) should be removed from Petitioner’s Official Military Personnel File.

## RECOMMENDATION

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

Petitioner’s naval record be corrected by removing enclosure (3), the 3 July 2023 counseling entry and enclosure (4), the 3 July 2023 Page 11 entry.

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 titled 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 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.

9/26/2024

