



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

█  
Docket No. 8648-24  
Ref: Signature Date

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Dear █

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

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 1 October 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 that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your unit punishment book which documents your 15 April 2021 nonjudicial punishment (NJP). The Board considered your statement, and your claims that you were never told by the approving authority that your leave was being recalled. You also claim that Marine Corps Order 1050.3J states that annual leave must begin and end in the local area, but it does not specify that you must be there the duration of the leave period. The Board also considered your contention that you were never briefed regarding a restriction of movement policy before taking leave. You also claim that being told by your Staff Noncommissioned Officer that you needed to stay in the local area was misleading, knowing that the Command planned to have everyone take the COVID test on a specific date.

The Board noted on 15 April 2021, the commanding officer (CO) imposed NJP for Article 92 violation of the Uniform Code of Military Justice for failure to obey a lawful order. The Board noted that you presented insufficient evidence that your NJP is invalid. In this regard, the Board determined that your NJP was conducted in accordance with relevant policy, and your CO acted within his discretionary authority to impose NJP. The Board also determined when making the decision to impose NJP, the CO relied on a preponderance of evidence standard that substantiated the allegations of misconduct. The Board thus determined that your CO had sufficient evidence, acted within his discretionary authority, and conducted your NJP pursuant to relevant policy. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit 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,

10/30/2024

