

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

> Docket No. 8854-24 Ref: Signature Date

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.

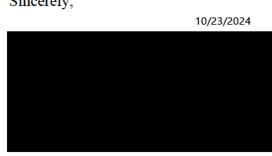
A three-member panel of the Board, sitting in executive session, considered your application on 24 September 2024. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures 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 carefully considered your request to remove your 17 November 2021 nonjudicial punishment (NJP). The Board considered your contentions that the source documents were not properly entered into your Official Military Personnel File (OMPF) as well as your assertion that the NJP is preventing you from reenlisting.

The Board noted on 17 November 2021 you received NJP as evidenced by the Marine Corps Total Force System (MCTFS). In regard to your contention that the NJP should be removed because the source document was not properly entered into your OMPF, the Board noted that although the Unit Punishment Book (UPB) could not be located in your OMPF, you provided insufficient evidence that the NJP is in error or unjust. The Board thus concluded there was sufficient evidence indicating the NJP occurred, and the Board determined the missing UPB to be a harmless administrative error that does not invalidate the NJP. 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 determined the evidence you provided was insufficient to overcome this presumption. As a result, the Board concluded that there is no probable material

error or injustice warranting removal of your NJP. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,