



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

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Docket No. 9982-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 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 29 December 2023 nonjudicial punishment (NJP). The Board considered your personal statement, and your claims that you made a mistake and did not look up sleeping gummies before taking them. The Board also considered your assertion that you owned up to your mistake and have done nothing but prove yourself since the incident occurred.

The Board noted on 29 December 2023 your commanding officer (CO) imposed NJP for violation of Article 92, Failure to Obey a Lawful Order, and Article 112a, Wrongful use, possession, etc., of the Uniform Code of Military Justice for testing positive for THC 8 and THC 9 on a urinalysis on or about 17 October 2023. You were advised of your rights under Article 31 and acknowledged your right to demand trial by court martial in lieu of NJP. The Board noted that you accepted NJP, you did not submit written matters for consideration, and you did not

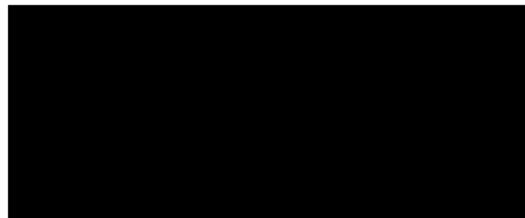
appeal the NJP. Additionally, the Board noted on 5 April 2024 you were notified that your CO was recommending you be administratively separated pursuant with the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) by reason of Misconduct for drug abuse and commission of a serious offense. On 6 June 2024 you requested a Conditional Waiver of Administrative Board for Suspended Separation under para 6310 of the MARCORSEPMAN for a period of 12 months unless sooner vacated by the separation authority. On 14 August 2024, the Commander for [REDACTED] determined separation was substantiated by a preponderance of the evidence and approved your request for a 12 month suspension.

The Board noted other than your personal statement, you presented insufficient evidence that would invalidate the NJP. The Board determined that your NJP was conducted according to the *Manual for Courts-Martial* (2019 ed.) and your CO acted within his discretionary authority to impose NJP. The Board also determined when making the decision to impose NJP, the CO would have relied on a preponderance of evidence that substantiated the allegations of misconduct. Further, the Board noted, on 14 August 2024 the Commander, [REDACTED] upon review of the administrative separation package determined the primary basis for separation (drug abuse) was substantiated by a preponderance of the evidence. Furthermore, the Board noted although the Commander suspended your separation for a period of twelve months, it does not negate the evidence your CO relied upon when determining the misconduct which occurred. Thus, the Board determined that your CO had sufficient evidence, acted within his discretionary authority, and conducted your NJP pursuant to the Manual for Courts-Martial. 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.

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,

11/19/2024

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