



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

██████████
Docket No. 10364-24
Ref: Signature Date

██
██
██
██

Dear Petitioner:

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 26 November 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 21 November 2023 Unit Punishment Book (UPB), which documents your Non-judicial punishment (NJP). The Board considered your claims that you were never counseled on the deficiencies or provided corrective actions. The Board also considered your claim that you have had no prior NJPs, Administrative Remarks (Page 11) counseling entries, or 6105's before or after your NJP.

The Board noted, on 21 November 2023, the Commanding Officer (CO) imposed NJP for violation of Article 92, Failure to Obey a General Order or Regulation and Article 86, Unauthorized Absence of the Uniform Code of Military Justice (UCMJ). Specifically, on or around 11 to 12 November 2023 left your post and drove to or near ██████████; approximately 123 miles without notifying your chain of command. Punishment imposed at NJP consisted of reduction to E-3 and 30 days restriction and extra punitive duties; which was suspended for six months unless sooner vacated. The Board noted, too, as a result of NJP, pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN), you were issued a 6105 counseling entry and you also received a promotion restriction counseling entry pursuant with MCO P1400.32D (ENLPROMMAN), due to your NJP for violation of Article 92, of the UCMJ. Specifically, the Board noted the counseling entry provided written notification concerning your deficiencies, specific

recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal. Moreover, your commanding officer (CO) signed the counseling entry and determined that your misconduct was a matter essential to record; as it was his or her right to do.

The Board considered your contention that you never counseled on your deficiencies or provided corrective actions; however, the Board determined your claims to be without merit. First, the Board noted the aforementioned counseling entry is resident in your official record. Next, the Board noted when making the decision to impose NJP, the CO would have relied on a preponderance of evidence that substantiated the allegations of misconduct. Lastly, the Board noted responsibilities for standing duty are clearly articulated before a Marine is permitted to assume such a post and leaving your post and driving 123 miles away without notifying your chain of command constitutes a clear violation of the duties and standing orders associated with this position. Thus, the Board determined 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. Therefore, 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,

1/16/2025

