



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

[REDACTED]  
Docket No. 11003-24  
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
XXX XX [REDACTED] USMC

Ref: (a) Title 10 U.S.C. § 1552  
(b) Manual for Courts-Martial (2019 Ed.), Part V  
(c) MCO 1900.16 (MARCORSEPMAN)  
(d) MCO P1070.12K (IRAM)  
(e) MCO P1400.32D (MARCORPROMAN, VOL 2, ENLPROM)

Encl: (1) DD Form 149 w/enclosures  
(2) Petitioner's NAVMC 10132 Unit Punishment Book, 13 Dec 22  
(3) 6105 counseling entry, 13 Dec 22  
(4) Page 11 promotion restriction entry, 13 Dec 22  
(5) CO, [REDACTED] CO [Undated]

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing enclosures (2), (3), and (4).

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 November 2024 and pursuant to its regulations, determined that 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 the naval records, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 13 December 2022, pursuant to reference (b), the Commanding Officer (CO) imposed nonjudicial punishment (NJP) for violation of Article 113a, Drunken or Reckless Operation of a Vehicle, Uniform Code of Military Justice. In that Petitioner did physically control a vehicle while the alcohol concentration in her blood equaled or exceeded the applicable Blood Alcohol Content (BAC) limit of 0.09%. Enclosure (2).

b. On 13 December 2022, pursuant to reference (c), the CO also issued Petitioner a 6105 counseling entry concerning her NJP. Pursuant to references (d) and (e), Petitioner was also

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issued a promotion restriction entry notifying her that she was eligible but not recommended for promotion due to recent NJP. Petitioner signed both counseling entries indicating that she understood the basis for the counseling entries, and she did not elect to submit a written rebuttal. Enclosures (3) and (4).

c. By naval correspondence, the CO states that on 1 February 2023, Petitioner was found not guilty of operating her motor vehicle in the civil court of [REDACTED] County. As the CO who imposed punishment, he requested the immediate removal of the NJP and corresponding 6105 counseling entry from her official military personnel file (OMPF). Enclosure (5).

d. Petitioner contends she received NJP before final decision by a [civil] court was made where she was later found not guilty for driving while intoxicated on 1 February 2023.

## CONCLUSION

Upon review and consideration of all the evidence of record the Board determined that Petitioner's request warrants partial relief. In this regard, the Board noted the punishment was properly recorded pursuant to references (b) and (c), which outline procedures for the proper execution and recording of NJP. However, the Board relied heavily upon the CO's subsequent letter to the Board, advocating for removal of the NJP which stated that the civil court acquitted the Petitioner of the associated charges. The Board further noted pursuant to reference (c), allows for NJP to be set aside when determined to be unjust or based on procedural error. Finally, the Board further determined pursuant to reference (d), since the associated promotion restriction entry was issued solely upon the CO's imposition of NJP, therefore, is no longer valid. Thus, the Board concluded that while the unit punishment book/NJP and associated promotion restriction entry should be removed from Petitioner's OMPF. However, the Board determined that the 6105 counseling entry, which address expectations and corrective measures for future conduct, remains valid under reference (e) and shall remain in Petitioner's OMPF.

## RECOMMENDATION

In view of the above, the Board directs the following corrective action:

Petitioner's naval record be corrected by removing enclosures (2) and (4).

That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information systems or database entries that reference or discuss the expunged material.

That no further changes be made to Petitioner's naval record.

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 entitled matter.

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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.

1/6/2025

