



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

██████████
Docket No. 11202-24
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 4 February 2025. 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 unit punishment book (UPB) which documents your 27 July 2022 Non-judicial punishment (NJP) and reinstate your Marine Corps Recruiting Ribbon (MCRR). The Board considered your contentions that you were unjustly removed from Recruiting Duty during a highly successful tour; which you claim resulted in lost opportunities for multiple Navy Achievement Medals and recognition as Recruiter of the Month and Year. You also claim the investigation and decision against you were biased; positioning you as the fall guy for a situation your Staff Noncommissioned Officer In Charge (SNCOIC) had full knowledge of and control over. Furthermore, you assert you received NJP for improperly conducting a Police Record Check; however, you claim during the initial investigation, you performed another check in the same manner as the initial processing for your applicant with no differing results. Lastly, you argue that none of your actions on recruiting duty were conducted in secrecy without guidance from your SNCOIC and, given the rigorous demands of recruiting duty, you relied on the knowledge and experience of your SNCOIC to shape your actions.

The Board noted on 27 July 2022, the Commanding Officer (CO) imposed NJP for violation of Article 92, Failure to Obey a Lawful Order, of the Uniform Code of Military Justice (UCMJ) for not conducting a Police Record Check on a recruit at the Recruit Substation (RSS) ██████████,

■ on 21 January 2022. You were advised of your rights under Article 31 and acknowledged your right to demand trial by court martial in lieu of NJP. As punishment, you received forfeiture of \$1774 pay per month for two months, which was suspended for six months unless sooner vacated. The Board noted that you accepted NJP, you did not submit written matters for consideration, and you did not appeal your CO's finding of guilt at NJP. 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. 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 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. On 30 September 2022, you were notified by your CO that you were being relieved of your duties as a canvassing recruiter and that your additional military occupational specialty (AMOS) of 8411 would be voided due to misconduct. The Board further noted, on 31 October 2022, pursuant to the Marine Corps Individual Records Administration Manual (IRAM), you were properly counseled due to your relief for cause from recruiting duty due to misconduct. The Board determined the contested counseling entry was written and issued in accordance with the IRAM.

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. 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. 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.

Next, the Board considered your request for reinstatement of your MCRR. The Board determined, pursuant to the SECNAV M-1650.1, Navy and Marine Corps Awards Manual, the MCRR is awarded to Marines who have successfully served in an eligible billet and meet the period of service requirements. Specifically, Marines assigned to recruiting duty (AMOS 8411) are eligible to receive the ribbon upon the completion of a successful tour of duty; generally defined as a 36-month tour served honorably. However, the Board noted recruiters who are relieved for cause from recruiting duty are not eligible for the MCRR; to include instances where the Marine is not recommended for continuation or further assignments to recruiting duty due to administrative separations, convictions of malpractice, or misconduct. Therefore, the Board determined, because you were relieved for cause during recruiting duty, you do not meet the eligibility criteria for the award. Thus, 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,

2/27/2025

