



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

██████████  
Docket No. 11224-24  
Ref: Signature Date

████████████████████  
████████████████████  
████████████████████

Dear ████████████████████

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted 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 21 January 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 determined that a personal appearance with or without counsel will 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 12 October 2022 Unit Punishment Book/nonjudicial punishment (NJP). The Board considered your contention that the NJP should be thrown out because the Page 11 entry is dated 23 August 2022, the start date of your promotion restrictions. You also contend that you were not charged with the correct article. You should have been charged with Uniform Code of Military Justice (UCMJ), Article 113 instead of Article 92. You claim your promotion restrictions started after the NJP and the restrictions were the same for Article 113 as Article 92.

The Board determined that your NJP is valid in accordance with the *Manual for Courts-Martial* (2019 ed.). In this regard, the Board noted that you received NJP for violating Article 92, UCMJ by violating Marine Forces Japan Order 1050.1. The Board also noted that you were advised of your Article 31, UCMJ Rights, you accepted NJP, certified that you were afforded the opportunity to consult with a military lawyer, and you declined to appeal your commanding

officer's finding of guilt. On 23 August 2022, you were issued a Page 11 entry in accordance with the Marine Corps Enlisted Promotions Manual notifying you that you are eligible but not recommended for promotion to sergeant for a period of 12 months due to being convicted of Driving Under the Influence. On 12 October 2022, you were issued Page 11 entries regarding your NJP and notification you that you are restricted from promotion to corporal for six months due to your NJP. The Board further noted that you acknowledged each entry and elected not to submit a statement. The Board also determined your commanding officer acted within his/her discretionary authority when determining that you violated Article 92, UCMJ and was not required to charge you with Article 113, UCMJ.

The Board determined that your contention regarding your 23 August 2022 Page 11, promotion restriction, and its relationship to your NJP is misguided. The Marine Corps Enlisted Promotions Manual provides policy regarding promotion restriction periods. The Board also determined that the start date of your promotion restriction and Page 11 entries have no bearing on the validity of your NJP. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus 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.

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,

2/6/2025

