



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

██████████  
Docket No. 11648-24  
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 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 19 November 2021 Unit Punishment Book (UPB); which documents your Non-judicial punishment (NJP). The Board considered your contentions that you were mistakenly perceived as violating Article 92 (Failure to Obey an Order or Regulation) of the Uniform Code of Military Justice (UCMJ) concerning an alleged speeding infraction. You assert the offense was later dismissed in civil court, which you claim proves your innocence and makes this punishment unfair and unjust, and you provided corresponding court documents for the Board's consideration. During the NJP process, you claim that you informed your chain of command that you hired a lawyer because you believed the alleged offense was false but, despite requesting the opportunity to settle the matter in court, your command insisted on proceeding with the NJP and pressured you to take "extreme ownership" of the situation. Next, the Board considered your claim that, despite your desire to

pursue a court-martial, you were confronted by senior enlisted leaders who threatened severe consequences if you did and, as a young Marine, you were intimidated by these threats and accepted NJP; thinking it was the safer option. Lastly, you claim this NJP caused significant personal distress, stigma, and affected your service.

The Board noted, on 27 October 2021, [REDACTED] arrested you for speeding (102 mph in a 55 mph zone). On 19 November 2021, the Commanding Officer (CO) imposed NJP for violation of Article 92, of the UCMJ. You were advised of your Article 31 rights and the right to demand a trial by court-martial in lieu of NJP. The Board noted, too, that you were also given the opportunity to consult with a military lawyer. You accepted NJP and did not appeal the decision. You received a forfeiture of pay amounting to \$466 per month for seven days; along with restriction and extra punitive duties for 14 days to run concurrently without suspension. As a result, on the same day, you also received an Administrative Remarks (Page 11) 6105 counseling entry for your violation of Article 92 for the above-mentioned incident. You signed the counseling entry and elected not to submit a statement.

The Board noted the [REDACTED] court later agreed to dismiss your speeding ticket; however, the Board found this action does not negate the evidence that you were arrested for speeding or invalidate the CO's decision to impose NJP. The Board further determined that your NJP was conducted according to the Manual for Courts-Martial and that your CO acted within his discretionary authority to impose 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 and you also received a promotion restriction counseling entry pursuant with MCO P1400.32D (ENLPROMMAN). 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 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.

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. 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

