



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

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Docket No. 11877-24
Ref: Signature Date

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Dear Petitioner:

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 25 March 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 as well as the 7 January 2025 advisory opinion (AO) furnished by Headquarters Marine Corps, Secretariat Branch. The AO was provided to you on 21 January 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to remove the vacation of suspension letter dated 6 December 2023. The Board considered your statement that the Commanding Officer, █ (CO, █) signed a suspension revocation letter for your nonjudicial punishment (NJP) that took place on 16 June 2023. You claim your reduction to corporal (Cpl/E-4) was an administrative error. The CO, █ later set aside your NJP reduction and adjusted that your date of rank to sergeant (Sgt/E-5) effective 2 November 2021.

The Board noted that you received NJP on 16 June 2023 for violating Article 113, Uniform Code of Military Justice (UCMJ) for operating a vehicle while under the influence of alcohol. Your CO found you guilty and awarded reduction in rank to Cpl, forfeitures of pay, and extra duty. Your CO, however, suspended your reduction in rank for six months. On 6 December 2023, the CO, █ vacated the suspended punishment; which resulted in your reduction to Cpl effective 16 June 2023. On 1 October 2024, the same CO set aside the reduction in rank, revoked the suspension revocation, and restored your rank to E-5; with a 2 November 2021 date of rank.

The Board substantially concurred with the AO that the contested document was properly filed in your official record in accordance with Marine Corps Order 1070. The Board determined that the suspension revocation letter accurately documents administrative actions associated with your NJP; including the subsequent revocation of the suspended portion of your NJP and eventual restoration of your rank. Standing alone your request to remove the contested document might have merit. However, the contested document does not stand-alone since the contested document is part of your NJP package and provides an accurate and factual record of events. 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,

4/21/2025

