



[REDACTED]

[REDACTED]

[REDACTED]

The Board carefully considered your request to remove from your official military personnel file (OMPF) the Unit Punishment Book entry denoting the 2 March 2022 NJP, Administrative Remarks Page 11 counseling entries of 2 March 2022, your rebuttal to the Page 11 entries, and an adverse fitness report covering the period 1 January 2022 to 2 March 2022. You also requested removal of the Revocation of Section Letter and reinstatement of your Fiscal Year 2022 selection to gunnery

punishment, and the right to refuse NJP. You accepted NJP, the standard to determine guilt at NJP is preponderance of the evidence, which is a lower bar than the beyond a reasonable doubt standard at a court-martial. The Board further found that the command properly afforded you your right to present evidence at the NJP and to appeal that decision. In addition, the Board determined your CO had sufficient evidence to find you guilty at NJP, to counsel you, and to issue you Page 11 entries based on the evidence provided in the incident report and statement of probable cause. The Board further noted that you provided no evidence that your sentence was unjust as the sentence imposed was within the legal limits. With respect to the fitness report, you have not exhausted all administrative remedies; requests to remove a fitness report must be first submitted to HQMC, Performance Evaluation Review Board. Consequently, the Board determined that the NJP and Page 11 entries are valid and shall remain in your OMPF.

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 and determined that your CO acted within his discretionary authority and conducted your NJP pursuant to the Manual for Courts-Martial (2019 ed.). As a result, the Board found that your revocation of promotion to gunnery sergeant was not unjust and in accordance with the Enlisted Promotion Manual. The Board thus concluded 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.

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.

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