



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. 12499-24
Ref: Signature Date

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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 20 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.

On 23 April 2023, you underwent nonjudicial punishment (NJP) for violating Article 91 of the Uniform Code of Military Justice due to insubordinate conduct toward a noncommissioned officer (NCO) and for violating Article 92, using racial slurs to a junior sailor in breach of Marine Corps Order (MCO) 5354.1F, the Marine Corps Prohibited Activities and Conduct Prevention and Response Policy (PAC). You were given your Article 31 right at NJP and you accepted the NJP and did not appeal the punishment. You subsequently received an adverse fitness report covering the period 1 April to 23 April 2023. On 28 April 2023, you requested to the Commanding Officer, ████████ Marine Regiment to set aside the NJP as the words you used to the junior sailor were not meant to be derogatory and because you were not disrespecting the NCO but trying to de-escalate the situation. On 22 December 2023, you were informed by your commanding officer via a page 11 entry for not being recommended for reenlistment because of failure to demonstrate the high standards of leadership, professional competence, and personal behavior and you chose not to make a statement. You submitted a reenlistment reconsideration request on 5 June 2024; however this was disapproved, and you were discharged on 14 October 2024 with an honorable characterization of service.

You contend the NJP is unjust and should be removed from your record as you did not have the ability to refuse NJP and because the commanding officer did not comply with the procedural requirements of the PAC policy.

The Board carefully considered your request and noted because you were underway on the [REDACTED] [REDACTED] for an [REDACTED] Unit exercise, your commanding officer had the discretionary authority to impose NJP, thus it was not unjust or erroneous that you were not able to demand a court-martial. Secondly, the Board found the commanding officer conducted your NJP pursuant to the Manual for Courts-Martial (2019 ed.) Finally, the Board determined that the commanding officer did not violate the PAC policy by imposing NJP as commanders are responsible for good order and discipline in their commands and an investigation was not required. Moreover, the Board found there was sufficient evidence to warrant a finding of guilt for disrespect to a NCO and use of a racial slur. Consequently, the Board concluded that there is no material error or injustice warranting further action, the NJP is valid and shall remain in your official military personnel file.

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,

4/5/2025

[REDACTED]