



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

Docket No. 1617-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
XXX XX [REDACTED] USMC

Ref: (a) 10 U.S.C. § 1552
(b) Uniform Code of Military Justice

Encl: (1) DD Form 149 w/enclosures
(2) NAVMC 10132, Unit Punishment Book of 14 July 2023
(3) Administrative Remarks (Page 11) counseling entry of 14 July 2023
(4) Administrative Remarks (Page 11) entry of 14 July 2023
(5) CO, [REDACTED], 5812 S-1 Memo, subj: Set Aside of Nonjudicial Punishment ICO [Petitioner], 1 February 2024

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting removal¹ of the Unit Punishment Book (UPB) associated with the nonjudicial punishment (NJP) of 14 July 2023 that was subsequently set aside on 1 February 2024.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 August 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, found as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulation within the Department of the Navy.

b. On 14 July 2023, Commanding Officer (CO), [REDACTED], imposed NJP on Petitioner after determining Petitioner had knowingly and willfully operated a motor vehicle while under the influence. The CO awarded forfeiture of pay and a suspended reduction in rank. See enclosure (2).

¹ In his submission at enclosure (1), Petitioner did not specify his requested relief but, in the context of his previous requests for relief, the Board presumed he was requesting the same relief as he did in Docket No. NR20240001900 and Docket No. NR20240011230.

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c. On the same day, 14 July 2023, Petitioner was issued a Page 11 counseling him after the imposition of NJP. Additionally, he was issued a Page 11 stating he was not recommended for promotion to Staff Sergeant for six months due to violating Article 113 of reference (b). See enclosures (3) and (4).

d. By letter of 1 February 2024, CO, [REDACTED], set aside the NJP of 14 July 2023 and restored all rights, privileges, and property. The CO based his set aside action on his personal determination the punishments awarded at the time of the NJP were "excessive due to the charges being dropped and [Petitioner] being found not guilty of driving while intoxicated" by the civilian court. See enclosure (5).

e. Petitioner contends the UPB entry should be removed based on the CO's set aside of the NJP. See enclosure (1).

CONCLUSION

Upon review and consideration of all the evidence, the Board determined Petitioner's request warrants relief.

Relying on enclosure (5), the Board determined the Page 11 entries of 14 July 2023 and the UPB entry of 14 July 2023 should be removed from Petitioner's Official Military Personnel File.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action.

Petitioner's naval record be corrected by removing enclosure (2), the UPB entry of 14 July 2023, and enclosures (3) and (4), the Page 11 entries of 14 July 2023.

That no further changes be made to Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

