



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2614-25

Ref: Signature Date

[REDACTED]

Dear [REDACTED]

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 September 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 carefully considered your request to remove the 15 April 2015 Report of Misconduct (ROM) and associated documents, and to grant a Special Selection Board (SSB). The Board considered your statement and contentions that a procedural error occurred when the command placed the ROM into your record despite the command investigation (CI) failing to substantiate an adverse finding of misconduct and failing to identify a violation of a UCMJ Article. You also contend the evidence cited by the Investigating Officer (IO), which the Commanding General (CG) relied upon in concluding you committed misconduct, fails to satisfy the definition of adverse information as the findings were not supported by a preponderance of evidence. You argue that even if the ROM is deemed adverse information, it no longer warrants placement in your official record as it occurred 10 or more years prior to your upcoming second screening for promotion to O-5.

The Board, however, determined that the CG, [REDACTED] and CG, [REDACTED] acted within their discretionary authority and in accordance with the Marine Corps Legal Support and Administration Manual (LSAM) when finding that your actions constituted misconduct and submitting the ROM. In making this determination, the Board noted the CI into the facts and

circumstances surrounding an alleged inappropriate relationship between you and another officer. The IO found, in part, that you and the other officer had a relationship that gave the appearance of going beyond that of a student/instructor relationship. The IO found that you deleted previous text messages between you and the other officer to hide the messages from your husband, and the other officer also deleted text messages when he learned you were under investigation. The IO concluded that the text messages strongly suggest a flirtatious and inappropriate relationship and, while there was not enough evidence to support an adulterous affair, there was evidence of an inappropriate relationship given the student to teacher relationship you shared with the other officer, drinking together when not authorized, and periods of time where you were most likely alone with the other officer. The CG, [REDACTED] [REDACTED] submitted the ROM noting that both you and the other officer are married to other individuals, you exchanged text messages of a sexual nature, and the evidence supports the conclusion that you may have engaged in an inappropriate relationship. In the CG, [REDACTED] endorsement noted his consideration of your statement, and his determination that the CI established that you committed misconduct. He further determined that your misconduct was not so substantial to warrant the convening of a board of inquiry. As the Show Cause Authority for the Marine Corps, the Deputy Commandant, Manpower & Reserve Affairs (DC, M&RA) determined that processing for administrative separation was not warranted, directed the closure of your case. Contrary to your statement, the DC, M&RA, not your command, deemed the material adverse and directed the adverse material to be included in your official record.

According to the LSAM, ultimately, it is the responsibility of the first General Court Martial Convening Authority (GCMCA), not the IO, to determine whether an officer committed the alleged misconduct. If the GCMCA determines that an officer committed misconduct, the GCMCA must take appropriate action to dispose of the case. The Board noted that a ROM is required in all cases of misconduct where the first GCMCA in the chain of command determines that the officer committed the misconduct. Additionally, a ROM is administrative in nature and does not require a specific violation of the UCMJ to be named in the report to be valid<sup>1</sup>. The Board further determined that your ROM is a matter of record and the passage of time is not a basis for removal. The Board thus concluded there is no probable material error, substantive inaccuracy, or injustice warranting corrective action<sup>2</sup>. 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

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<sup>1</sup> In making this finding, the Board also found no injustice with the lack of a specific UCMJ article in the ROM. The Board noted there were several violations of the UCMJ based on your documented misconduct.

<sup>2</sup> Because the Board denied your request to remove your ROM, it found no basis to grant your secondary request for a Special Selection Board.

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,

[REDACTED] 11/24/2025

[REDACTED]  
ELIZABETH A. HILL  
Executive Director  
Signed by [REDACTED]