



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████████
Docket No. 4688-25
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 28 January 2026. 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 your Administrative Remarks (Page 11) entry dated 23 July 2024. The Board considered your contention that the counseling entry was improper because it was issued before your court date, where you were acquitted of all charges by the Base Magistrate.

The Board's review found that you were issued the Page 11 entry pursuant to paragraph 6105 of the Marine Corps Separation and Retirement Manual (MARCORSEPMAN) for violating Uniform Code of Military Justice (UCMJ), Article 113. Specifically, the entry documented that you physically controlled a vehicle while under the influence of alcohol with a blood alcohol concentration (BAC) of .06 percent, which resulted in a single vehicle collision. The Board determined that the contested entry was written and issued according to the MARCORSEPMAN. It provided written notification concerning your deficiencies, specific recommendations for corrective action, where to seek assistance, the consequences for failure to take corrective action, and it afforded you the opportunity to submit a rebuttal; which you declined.

The Board reviewed the Civil Court Disposition dated 5 March 2025, and its "Not Guilty" finding. The Board, however, determined the Base Magistrate's finding is not binding on your

Commanding Officer's (CO) administrative authority. The Board also determined that your CO acted properly and within his discretionary authority when documenting your violation of UCMJ, Article 113. A CO may rely on a "preponderance of the evidence" standard, such as the Provost Marshal's Office report documenting your BAC, to document misconduct; which is a less stringent standard than the "beyond a reasonable doubt" standard required for a criminal conviction. Thus, your CO acted properly and within his discretionary authority when documenting your violation of UCMJ, Article 113. Therefore, the Board 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,

2/18/2026

