



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

Docket No. 6486-25
Ref: Signature Date

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 18 March 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 be restored to the rank of Lance Corporal with back pay. You contend that your reduction in rank and loss of pay resulted from an unjust non-judicial punishment (NJP) that was imposed prior to resolution of the underlying civilian case. You argue that the civilian charge that formed the basis for your NJP was later reduced to a non-criminal citation for driving a car without registration, which is not as severe as the original reckless driving citation, and your NJP was therefore administered prematurely, made without consideration of the final civilian adjudication, and was unjust because the civil conviction was less severe than original charge. You believe your NJP would have been significantly less severe, if imposed at all.

The Board, however, found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting relief. Specifically, the Board found your NJP was valid and not conducted prematurely. Rather, the Board found your commander acted appropriately by issuing NJP following your civilian reckless driving charge. The Board noted, you were pulled over for driving 117 miles per hour (mph) in a 65 mph zone, and you do not dispute the underlying misconduct. Additionally, you did not appeal your NJP. The Board opined, your right to appeal was your opportunity to challenge the NJP if you had reason to argue it was

unjust. The fact that the civilian court later dismissed the reckless driving charge, had no impact on your underlying misconduct or action previously taken by your commander, including your NJP punishment of reduction in rank. The Marine Corps Performance Evaluation System (PES) Manual states it is immaterial whether charges are dismissed by a civilian court and the Board found the civilian court's action in your case did not change the character of your misconduct. As such, the Board concluded your reduction in rank, as prescribed by a valid NJP, does not warrant correction. Accordingly, given the totality of the circumstances, the Board determined 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,

4/2/2026

