



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

CRS
Docket No: 2286-00
31 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 October 2000. 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, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 18 April 1994 after more than three years of prior active service. Your record reflects that you received nonjudicial punishment (NJP) on 19 January 1999 for engaging in inappropriate social interaction that was unduly familiar and did not respect a student/staff relationship, and for sexual harassment of another member by creating a hostile working environment. The punishment imposed consisted of restriction and extra duty for 45 days and reduction from AT2 (E-5) to AT3 (E-4). You appealed the NJP, but your appeal was denied.

The Board noted your contentions but found them insufficient to warrant either the removal of the NJP or your restoration to AT2. In this regard, the Board believed that the commanding officer acted reasonably in concluding, based on the evidence before him, that you committed the foregoing offenses. The Board concluded that the commanding officer was in the best position to resolve the factual issues and to impose punishment.

The Board also noted your performance of duties prior to and subsequent to the NJP, but found that it was insufficient to warrant the deletion of established misconduct from your record. In this regard, the Board concluded that such action would be unfair to your peers against whom you will compete for promotions and assignments.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director