



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 3815-01
4 December 2001

[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 28 November 2001. 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 enlisted in the Navy on 6 January 1966 at age 19. The record reflects that on 29 November 1966 you received nonjudicial punishment for striking a superior petty officer. The punishment imposed consisted of a forfeiture of \$35 and restriction for ten days. On 19 March 1969 you received a second nonjudicial punishment for failure to obey a lawful order. The punishment imposed consisted of a reduction to RM3 (E-4), which was suspended for six months. On 1 October 1969 you were honorably released from active duty and transferred to the Naval Reserve. Since your release from active duty, you have participated in reserve activities, been advanced in rank to chief petty officer, and become eligible for reserve retirement.

The Board noted your contentions concerning the imposition of two nonjudicial punishments. However, since the nonjudicial punishments occurred more than two years ago, the evidence used to impose the nonjudicial punishments has been destroyed and is unavailable to the Board. Accordingly, the Board exercised a presumption of regularity and assumed that the commanding officer

acted properly in imposing the two nonjudicial punishments.

The Board also noted your performance of duties prior to and subsequent to the nonjudicial punishments, but found that it was insufficient to warrant the deletion of established misconduct from your record. 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