



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

CRS
Docket No: 318-08
6 July 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 1 July 2009. 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 were commissioned as an ensign in the Navy on 19 June 1993. On 9 August 2007 you were relieved for cause as executive officer of your ship because of allegations concerning your conduct on 20 July 2007. On 16 August 2007 you received nonjudicial punishment for conduct unbecoming an officer by grabbing the buttocks of a third class petty officer and making lewd comments to a second class petty officer on 20 July 2007. The punishment consisted of a punitive letter of reprimand.

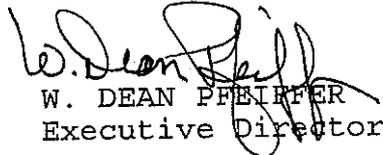
The Board concluded that you failed to demonstrate that the nonjudicial punishment you received on 16 August 2007 is unjust or disproportionate to your offenses, or that your detachment for cause was not warranted. The Board concluded that the Commander, Carrier Strike Group FIVE acted reasonably in your case, and that he was in the best position to resolve the factual issues and to impose appropriate punishment. The Board was not persuaded that you were the target/victim of a conspiracy, or that you did not commit the charged offenses. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Concerning your request for removal of your fitness report, the

Board believes that this is a separate issue which should be reviewed by the Board's performance section. Accordingly, your case will be assigned a new docket number to allow appropriate tracking and review of that portion of your application.

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