



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

CRS
Docket No: 4483-09
30 November 2009

[REDACTED]

[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 18 November 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.

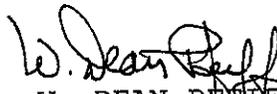
The Board found that you enlisted in the Navy on 4 February 1980. On 6 May 1981 you received nonjudicial punishment for sitting down on the aft watch with your eyes shut. The punishment consisted of a forfeiture of \$250.00 per month for one month, which was suspended, and reduction in rate. On 2 February 1983 you received an honorable discharge.

The Board found no merit in your request to remove the nonjudicial punishment of 6 May 1981, which you contend was imposed on you because of your race. It concluded that your commanding officer acted reasonably in your case, and that he was in the best position to resolve the factual issues and to impose appropriate punishment. There is no credible evidence that you did not commit the charged offense. Furthermore, the Board was not persuaded that you were falsely accused of misconduct because of your race. 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 PERIFFER
Executive Director