



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

HD:hd
Docket No. 13204-09
3 April 2010

[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.

You requested, in effect, setting aside your nonjudicial punishment (NJP) of 12 December 2006 and removing all documentation of the NJP, to include the punitive letter of reprimand dated 14 December 2006; removing the fitness report for 1 November to 12 December 2006; removing the notification of filing of adverse matters letter dated 4 April 2007; and removing the status in the U. S. Navy letter dated 23 May 2007.

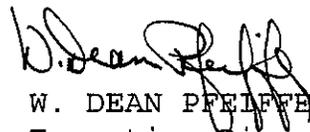
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 April 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 26 January 2010 with enclosure and 12 February 2010, copies of which are attached. The Board also considered your letter dated 11 March 2010.

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. In this connection, the Board substantially concurred with the advisory opinions. The Board was unable to find the legal officer advised you not to appeal the NJP, nor could it find you were not given a fair chance to provide evidence in your own defense. The Board likewise unable to accept your assertion that the other officers involved did not receive NJP, or if you are correct about the disposition of their cases, that their circumstances were substantially identical to yours. Finally, the supporting statements you provided did not persuade the Board you were wrongfully punished. In view of the above, 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

Enclosures