



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

TJR  
Docket No: 400-11  
2 February 2011



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 1 February 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 22 November 2007 you were the subject of a traffic violation, specifically, driving while under the influence of alcohol. Shortly thereafter, on 3 December 2007, you received nonjudicial punishment (NJP) for reckless operation of a vehicle. The punishment imposed was reduction to paygrade E-4, restriction and extra duty for 45 days, and a \$2,062 forfeiture of pay. As a result, you received an adverse fitness report for the period from 1 October to 3 December 2007 which noted that you were not recommended for promotion due to the imposition of NJP. The record reflects that you did not appeal the NJP, and as such, presumably accepted the findings of guilt.

The Board concluded that your commanding officer's decision to impose the foregoing NJP, and the punishment thereto, was appropriate, and that it was administratively and procedurally correct as written and filed. Finally, the Board concluded that there was no evidence in the record to support removal of the NJP. Accordingly, your application has been denied.

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