



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

SJN  
Docket No: 03984-11  
28 April 2011

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an active duty enlisted member of the Navy Reserve, filed enclosure (1) with this Board requesting that an administrative remarks (NAVPERS 1070/613) page documenting a nonjudicial punishment (NJP) he received on 26 June 2008, be removed from his Official Military Personnel File (OMPF).

2. The Board, consisting of Ms. Aldrich, Mr. Lippollis, and Mr. Butherus, reviewed Petitioner's allegations of error and injustice on 26 April 2011 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 26 June 2008, Petitioner received NJP for failure to obey a lawful order. He received restriction, extra duty and an oral reprimand. In his application, he submits documentation that on 7 August 2008, he submitted a letter of appeal of his NJP to the Commander, Navy Medicine Support Command. It was determined that his charges did not warrant NJP, and it was

unjust. Accordingly, his appeal was granted. The punishment awarded on 26 June 2008, was set aside and all rights and privileges were restored. Additionally, his recommendation of advancement to E-4 was reinstated.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the supporting letter from Petitioner's commanding officer, the Board concludes that his request warrants favorable action in the form of relief.

After careful and conscientious consideration of the entire record, the Board concludes that Petitioner's 26 June 2008 NJP should be removed.

RECOMMENDATION:

a. That Petitioner's Administrative Remarks (NAVPERS 1070/613) page dated 26 June 2008 documenting the NJP, be removed from his OMPF, along with all associated documentation relating to it.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to this Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c), it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director