



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN

Docket No: 00543-12

27 January 2012

[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 24 January 2012. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

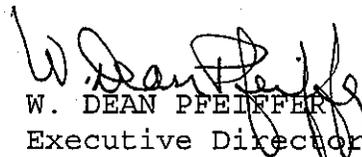
The Board found that on 10 June 2011, you received nonjudicial punishment (NJP) for failure to obey an order or regulation (wrongfully drinking alcohol on duty), and being found drunk on duty. You received a reduction in paygrade and extra duty. Your record shows you did not submit an appeal of your NJP. Approximately six months later, through military counsel you state, in part, that your commanding officer's (CO's) finding of guilt constitutes a legal error resulting in an injustice because the evidence does not support a finding that you were on duty or that you were drunk.

The Board concluded that your CO's decision to impose NJP was both administratively and procedurally correct and is supported by a duty log book entry dated 21 May 2011, that states, in part, that you and two other Sailors were drinking on watch,

that statements were taken, all agreed to drinking on duty, and that three other Sailors were called in to assume the watch. Finally, the Board concluded that the removal of the NJP would be unfair to your peers, against whom you will compete for promotions and assignments. 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 PFEIFFER
Executive Director