



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

SJN
Docket No: 05099-12
11 July 2012

[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 10 July 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 9 March 2012, you were the subject of captain's mast for six specifications of failing to obey an order or regulation that occurred between 2 April 2008 and 17 October 2011. A copy of your nonjudicial punishment (NJP) package obtained from your command shows you signed a statement acknowledging that you were fully advised of your legal rights pertaining to the hearing, given an opportunity to review and examine all evidence against you, and were informed of your appeal rights. You ultimately received NJP for one specification that occurred on 17 October 2011, for violating a lawful regulation, to wit: Navy Recruiting Manual, by wrongfully advising a Navy applicant to withhold information regarding pre-service prescribed medication. You received a reduction in paygrade and a forfeiture of pay. Additionally, you were counseled about all six specifications and warned that further misconduct could result in administrative discharge action. You did not submit an appeal of the NJP, but simply submitted a request for leniency of your punishment regarding your forfeiture of pay. Further, you stated, in part, that you understood that there were consequences for everything that you do wrong and that is part of life.

The Board concluded that your commanding officer's decision to impose NJP was appropriate, and administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP is not warranted, and that such action 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