



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE ROAD, SUITE 1001 SJN  
ARLINGTON, VA 22204-2490

Docket No: 7764-14  
29 June 2015

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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 19 June 2015. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 8 and 28 November 2012, you were given Military Protective Orders (MPOs) not to communicate with another servicemember. On 21 March 2013, you received nonjudicial punishment (NJP) for disobedience by violating the MPO's. You received a punitive letter of reprimand. You did not submit an appeal of your NJP, and only submitted a statement regarding your letter of reprimand. On 3 April 2013, a report of the NJP was forwarded to Commander, Navy Personnel Command recommending that you be detached for cause, and be required to show cause for further service. On 10 March 2014, the show cause authority directed that you be detached for cause. However, on 12 March 2014, it was determined that you did not have to show cause for retention, and a copy of the decision would be placed in your Official Military Personnel File (OMPF).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, and desire to have any and all adverse documents associate with you being a domestic abuse victim, from your OMPF. Nevertheless, the Board concluded these factors were not sufficient to warrant removing your NJP or adverse documents associated with you being a victim of domestic abuse. The Board concluded that your commanding officer's decision to impose NJP was appropriate, and it was administratively and procedurally correct as written and filed in your OMPF. The Board further concluded that such action would be unfair to your peers, against whom you will compete for promotions and assignments. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL  
Executive Director