



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

CRS
Docket No: 424-14
19 May 2014

[REDACTED]

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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 6 March 2014. 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.

You enlisted in the Navy and entered a period of active duty on 11 September 1998. On 6 February 2011, you accepted nonjudicial punishment (NJP) for fraternization. You were found guilty at the NJP and received a letter of reprimand. You did not appeal the NJP. You also received an adverse performance evaluation for 16 September 2010 to 6 February 2011. You were then informed that your command was going to recommend that you be administratively separated due to misconduct. You chose to have your case heard by an administrative discharge board (ADB),

which found that you committed no misconduct, and recommended that you be retained. On 28 October 2011, the Navy Personnel Command directed your detachment for cause from your ship.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your contention that since the ADB found no misconduct, you committed no offense. The Board found that you were given the opportunity to consult with counsel prior to accepting your NJP. The Board concluded that you have failed to prove an error or injustice in the imposition of the NJP and adverse performance evaluation and they shall remain in your official military personnel file. Regarding your contention, the Board particularly noted that NJP and an ADB are separate proceedings. The fact that the ADB found no misconduct that warranted separation does not automatically invalidate the findings of your commanding officer at NJP. In view of the above, 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,



ROBERT D. ZSALMAN
Acting Executive Director