



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001

TAL
Docket No: 4292-14
14 August 2014

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, and Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 August 2014. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 13 May 2010 you received nonjudicial punishment (NJP) for two instances of abusive sexual contact and assault. The punishment imposed was restriction and extra duty, a reduction in paygrade (suspended for six months) and a forfeiture of pay. The record reflects that you did not appeal the NJP, and as such, presumably accepted the findings of guilt.

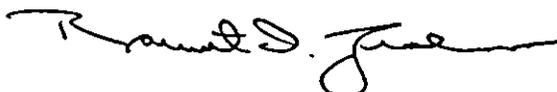
Subsequently, administrative separation procedures were initiated by reason of misconduct due to commission of a serious offense. You elected to have your case considered by an administrative discharge board (ADB). However, the ADB recommended retention. Your attorney submitted a request to set

aside the NJP to your commanding officer. Your commanding officer informed you that after a thorough review and thoughtful consideration were given to your request, the NJP was just and your request was denied.

The Board found that your commanding officer's decision to impose the foregoing NJP, and the punishment imposed, was appropriate, and that it was administratively and procedurally correct. The Board concluded that an ADB's decision to retain you in no way negated your commanding officer's decision to impose the foregoing NJP. Finally, no NJP is removed from a record merely because of the passage of time. 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 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