



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 04643-14
1 May 2014

[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.

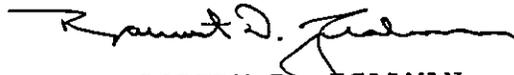
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 April 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 17 June 2009, you were arrested by civil authorities for driving under the influence (DUI) of alcohol. On 9 July 2009, you received nonjudicial punishment (NJP) for drunken operation of a vehicle. You received restriction, extra duty, a forfeiture of pay and a suspended reduction in paygrade. It appears you did not appeal your NJP or punishment awarded. On 9 November 2009, civil authorities dismissed your case. However, this dismissal was in no way related to the NJP you received from your commanding officer (CO) on 9 July 2009. At that time, your CO's decision to impose NJP was appropriate, and administratively and procedurally correct as written and filed. The Board further concluded that, after almost five years, the removal of your 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,



ROBERT D. ZSALMAN
Acting Executive Director