



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

TLG
Docket No: 6413-14
12 May 2015

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF USN,

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that the nonjudicial punishment (NJP) he received on 3 August 2010, be removed from his Official Military Personnel File (OMPF).

2. The Board, consisting of _____ reviewed Petitioner's allegations of error and injustice on 8 May 2015 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. On 3 August 2010, Petitioner received NJP for driving while impaired (DWI)/speeding and was reduced to paygrade E-4.

c. In preparing his record for the NJP, the commander requested the Petitioner's driving record from the state of California. After reviewing the Petitioner's driving record, the commander discovered that the Petitioner had two previous alcohol related driving infractions/charges while serving in the Navy. The commander recommended an administrative separation by reason of misconduct due to commission of a serious offense. Subsequently, he was administratively processed for separation by reason of misconduct due to commission of a serious offense. As a result, on 11 February 2011, he received a general discharge.

d. In his application, Petitioner submits a civil court docket dated 25 June 2010, that found him not guilty of DWI but guilty of speeding.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the supporting court docket from Cumberland County Sheriff Office, the Board concludes that Petitioner's request warrants favorable action in the form of relief.

After careful and conscientious consideration of the entire record, the Board concludes that Petitioner's NJP of 3 August 2010 should be removed from his OMPF.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the Unit Punishment Book documenting his NJP of 3 August 2010, along with all associated documentation relating to it.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

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4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c), it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



T. J. REED
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



ROBERT J. O'NEILL
Executive Director