



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

TAL  
Docket No: 7262-14  
23 July 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, United States Code, Section 1552. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 September 2010. You served for a year and one month without disciplinary incident, but on 3 November 2011, you received nonjudicial punishment (NJP) for failure to obey a lawful regulation by wrongful use of spice. The punishment imposed was a forfeiture of pay and reduction in paygrade. The record reflects that you did not appeal the NJP, and as such, presumably accepted the finding of guilt. On 31 August 2014, you were honorably release from active duty and transferred to the Navy Reserve.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to remove the NJP. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. The Board noted that your commanding officer's decision to impose the foregoing NJP, and the punishment thereto was appropriate and that it was administratively and procedurally correct as written and filed and removal from your record is unwarranted. 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