



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

[REDACTED]
Docket No. 3663-16
AUG 22 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2017. 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. The Board also reviewed the advisory opinion provided by Headquarters Marine Corps dated 19 April 2016, which was previously provided to you.

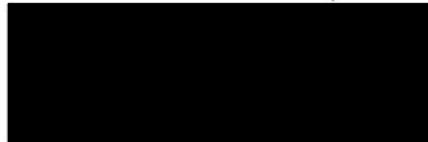
On 6 June 2012, the Digital Fires and Situational Awareness Lab had a communications security violation. On 13 June 2012, your commanding officer (CO) assigned an Officer as the command investigator (CI). On 20 August 2012, the CI was completed. On 31 August 2012, the CO endorsed the CI's recommending that you receive non-judicial punishment (NJP). On 6 November 2012, your CO notified you of his intent to impose NJP on you for violation willful dereliction of duty and making false official statements. You were afforded the opportunity to demand trial by court-martial or accept NJP. You state that you were able to disprove key issues of the investigation, and your NJP was dropped. However, on 21 December 2012, you received a non-punitive letter of caution regarding your deficiencies. On 4 February 2016, you submitted a request to the Performance Evaluation Review Board (PERB), for the removal of your fitness report covering the period from 20120601 to 20121022, from your Official Military Personnel File (OMPF). The PERB denied your request.

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 requested that your fitness report ending 20121022, be removed from your OMPF. You asserted that the fitness report contained nonfactual evidence due to not receiving NJP, and the investigation was not completed during the reporting period. The Board

substantially concurred with the comments contained in the advisory opinion. The Board agrees that you were found culpable by the CI, and you were assigned to the Body Composition Program (BCP) during the reporting period. The Board did not find any factual inaccuracies within the CI and within your rebuttal you acknowledged that you made "an error in judgment." Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon submission of new evidence. New evidence is evidence 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,



Executive Director