



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

[REDACTED]
Docket No: 7844-16


JAN 30 2017

[REDACTED]
Dear [REDACTED]

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 1 November 2016. 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. In addition, the Board considered the advisory opinions furnished by Navy Personnel Command (PERS-3c), copies of which were previously provided to you and additional copies of which are attached.

After careful consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board substantially concurred with the comments contained in the advisory opinion (AO) dated 11 October 2016. In this regard, the Board substantially concluded that the evaluation reports for the periods of 16 November 2014 to 9 April 2015, 10 April 2015 to 30 October 2015, and the punitive letter of reprimand, will remain in your Official Military Personnel File (OMPF). The Board also concurred with the AO that your rate will remain E-6. In regard to your assertion that your evaluations were unjust and you were punished twice for the same offense. The Board noted that you were awarded NJP for misconduct and the reporting senior comments on the results of the NJP on your evaluation report was allowed. The Board also noted that report ending 30 October 2015 is authorized and required when a member is permanently detached with orders to report to another command. The report did not contain adverse information and any pervious misconduct. Finally, The Board also noted that the reporting senior is allowed to submit a special report if need to withdraw an advancement recommendation when there is a finding of guilty or awarding of punishment due to an individual receiving NJP. Accordingly, your application has been denied.


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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,


Executive Director