



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

█  
Docket No. 6091-20  
Ref: Signature Date



Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your applications were not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your cases on their merits. A three-member panel of the Board, sitting in executive session, considered your applications on 8 July 2021. 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies, as well as the 6 November 2020 Advisory Opinion (AO) provided by the Office of Legal Counsel (PERS-00J). The AO was provided to you on 5 April 2021, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to expunge all documentation related to your 12 September 1966 nonjudicial punishment (NJP). The Board considered your contentions that you were a victim and you were wronged. You also assert that numerous officers have told you that "slow in carrying out orders" is not a violation of the Uniform Code of Military Justice (UCMJ), and that removing the NJP will make you eligible for a Navy Good Conduct Medal.

The Board noted that you received the 12 September 1966 NJP as a Seaman/E-3 for violation of Article 92, UCMJ (slow in carrying out orders). The Board, however, substantially concurred with the AO that you admit to the facts as alleged in your application, and to having your case before your Commanding Officer. Witnesses testified at your hearing and you were found guilty. There is a notation of the NJP in your official record, and no appeal or review was ever raised for 56 years. The Board also noted that you corroborate the fact that you were arguing with your superior and that you were then delayed in carrying out the order as presented to you. The Board thus determined that your Commanding Officer was within his discretionary authority to conclude that failure to promptly execute your assigned duties was dereliction and a violation of carrying out an order immediately.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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.

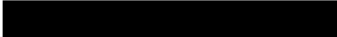
Sincerely,

7/20/2021

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Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.