



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

█  
Docket No. 6725-20  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

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 be removed as a titled subject in a 2005 Naval Criminal Investigative Service (NCIS) investigation. The Board considered your contention that you were acquitted of attempted second degree murder after a civilian jury found you “not guilty” by reason of self-defense. You assert that a █ Criminal Court Judge order all records of your charge and arrest be expunged, and therefore, the NCIS should comply with the Court Order.

The Board noted that on 2 September 2019, you petitioned the NCIS to have your name removed as a title subject, and that on 1 October 2019, the NCIS denied your request. The Board concurred with the NCIS decision to deny your request, noting that DoD Instruction 5505.7 provides that a titled subject will remain in the Defense Central Index of Investigations (as the titled subject) “even if the subject is found not guilty of the offense under investigation, unless

there is mistaken identity or it is later determined no credible information existed at the time of titling and indexing.”

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,

8/2/2021

[Redacted signature area]

Executive Director

Signed by [Redacted name]