



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

█  
Docket No: 7413-20  
Ref: Signature Date

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█  
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.

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.

A three-member panel of the Board, sitting in executive session, considered your application on 27 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 the 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.

On 15 December 2019 you were the subject of a non-judicial punishment (NJP) hearing; you pled guilty to violating Uniform Code of Military Justice (UCMJ) Articles 95a, disrespect toward a sentinel (3 specifications), and Article 107, false official statement. The Commanding Officer, U.S. Naval Support Activity (NSA), █ awarded you reduction in rank to E-4, 45 days of extra duty, 45 days of restriction, and forfeiture of 1/2 pay per month for 2 months. You appealed the NJP to Commander, Navy Region █ because you believed the punishment awarded, reduction in rank, was disproportionate to the offense. The Commander denied your appeal on 29 January 2020.

The Board carefully considered your request to reinstate your rank to E-5 (Master-at-Arms Second Class) due to discrepancies on your NJP paperwork. Specifically, you assert that the Court Memorandum states that the incident occurred on 19 October 2019 instead of 19

November 2019, and there was a delay in adding said NJP paperwork to your official military personnel file (OMPF), [REDACTED] did not input the paperwork until 10 June 2020. The Board noted that the Administrative Remarks (Page 13) paperwork and Report and Disposition of Offense is correct and that the Court Memorandum can easily be corrected. The Board further noted that the CO, [REDACTED] wrote in his recommendation to deny your appeal that your disrespectful and unprofessional behavior and actions had a negative effect on the U.S. Navy's critical relationship with our host nation of Bahrain, and that the Commander, Naval Region found that your punishment was not disproportionate to the offenses.

The Board determined that the presumption of regularity applies and that the administrative error and delay in processing does not warrant modification of your NJP punishment. The Board concluded it was within your CO's discretionary authority to impose the NJP, the NJP was properly administered, and the punishment was permissible. Consequently, your reduction in rate to E-4 (MA-3) will remain.

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,

8/5/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]