

unsubstantiated, or misleading information, and all of the forms and documents contradict the information.

The Board, however, substantially concurred with the AO that your fitness report and Court Memo are valid, and your fitness report should remain as filed. In this regard, the Board noted that you received NJP for disrespect toward a warrant, non-commissioned, or petty officer, failure to obey an order, and for disorderly conduct. You were awarded reduction in rate (suspended for six months) and forfeiture of a half month's pay for two months. The Board also noted that block 43 of your contested fitness report notes that you were found guilty at NJP on 19 July 2010 for Articles 91, 92, and 134 UCMJ, and that you apologized for your misconduct. The Board noted, too, that the UCMJ Articles listed in block 38 of your Court Memo are consistent with UCMJ Articles noted in your fitness report. The Board found no evidence that your NJP was limited to your violation of Article 134 and you provided none. The Board determined that the missing Article in block 6 of your Court Memo is a scrivener's error, the error is administrative in nature, and there is no evidence that the error had an impact on your commanding officer's (CO's) finding of guilt at NJP. Moreover, the Board noted that your Court Memo and fitness report have been on file since 2010 and found no evidence that you previously submitted a statement to the record. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

12/7/2021

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Executive Director
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