



left his post to wake you up to relieve him. You further assert that you were not fully awakened, did not relieve the Sailor, who failed to return to post, the findings were not supported by the evidence, and the decision was motivated by personal animus of the hearing officer who resented the promotion given by Admiral [REDACTED]. The Board noted your admirable service during World War II and commend your efforts in support of action against the enemy on multiple occasions. However, based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your Commander had the authority to impose Captain's Mast based on your actions, that the reduction in rank was appropriately awarded, and the decision to impose Captain's Mast was not unjust or materially in error. In making this finding, the Board considered the fact that the hearing officer had wide discretion to determine guilt and assign punishment based on the available evidence. The Board found no evidence, other than your personal statement, to contradict his finding that you committed the offense. With regards to your contention that the decision was motivated by the hearing officer who you assert resented the promotion, the Board noted that you did not provide any substantial evidence in support thereof, other than your personal statement. Additionally, the Board found that you were provided the required due process based on a presumption of regularity. The Board relies on a presumption of regularity to support the official actions of Navy personnel and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In your case, the Board was hampered by the lack of records to substantiate your claims. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

3/23/2022

[REDACTED]

Executive Director

Signed by: [REDACTED]