

of your delayed entry applicants (deppers) while you were a recruiter, and the LPO told you that she would send you to mast if you lost the depper. You further claim that since your discharge you have spiraled into a depressive and suicidal state and you were told about being able to change your administrative separation and to possibly get compensation for the false fraternization accusation.

The Board, however, substantially concurred with the AO that there is no basis for relief. In this regard, the Board noted that you received NJP for violating Uniform Code of Military Justice (UCMJ) Article 92 for failure to obey an order or regulation and Article 134 for conduct of a nature to bring discredit upon the armed forces. The punishment awarded was reduction to the next inferior pay grade and forfeiture of one-half month pay for one month. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Other than your assertions, the Board found no evidence to rebut findings of your commanding officer. Therefore, the Board concluded you provided insufficient evidence to rebut the presumption of regularity with regard to your NJP.

As a result of your misconduct, the Board also noted in your fitness report ending 26 March 2012, you were not recommended for retention. The Board found no evidence in your official record indicating that you were administratively separated. According to your DD Form 214, you were separated upon completion of required active service and your characterization of service was Honorable. Based on this evidence, the Board determined that at the end of your required service you were an E-4 with over eight years of service in violation of the High Year Tenure (HYT) policy in effect at the time. Based on your reduction in grade and the HYT policy, you were not entitled to separation pay. As a result, the Board determined that your NJP and separation documents are valid and found your evidence insufficient to warrant removal of your NJP or to compensate you for separation pay. 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,

5/27/2022

█
Executive Director

Signed by: █