



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

█  
Docket No. 2382-22  
Ref: Signature Date

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Dear Petitioner:

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 June 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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 carefully reviewed your request to remove your non-judicial punishment (NJP) dated 16 May 1974. You assert that you received bad advice from a Petty Officer 1st Class prior to the NJP and was never informed the NJP would result in an inability to earn the Navy Good Conduct Medal. Further, you point out your record of service was above average during your active duty service and, post-discharge, continued your service to the country in a civilian capacity.

Ultimately, the Board concluded there was no error or injustice with the imposition of NJP in your case. In this regard, after a thorough review of your records and the documentation you provided for consideration, the Board concluded the presumption of regularity applies. 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. While the Board sympathizes with your desire for a good conduct medal, they took into consideration that you admitted to ignoring the orders of the squadron duty officer to return to base; actions that formed the basis for the NJP. While the Board understood your decision to stay with your family during severe weather, they concluded the preponderance of the evidence supports a finding that you committed a violation of Uniform

Code of Military Justice, Article 86 based on your decision. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

While the Board was unable to grant you relief, they noted your retirement from the Federal Civil Service and extended their gratitude for your service to this country.

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,

7/4/2022

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.