



The Board noted that the Commander is responsible for exercising personal discretion in evaluating each case, as to whether nonjudicial punishment is appropriate, and, if so, as to the nature and amount of punishment appropriate. In making this finding, the Board considered that you did not submit any evidence that the NJP was issued unjustly or in contravention of the UCMJ. The Board further noted that you were afforded all the required due process rights associated with the NJP proceedings and fully exercised your right to appeal the decision. Ultimately, the fact you disagree with the decision to impose NJP based on your interpretation of the circumstances of your case was not sufficiently persuasive to the Board to warrant setting aside the Commander's decision in your case. The Board thus determined that your request is lacking sufficient evidence of error or injustice to merit setting aside your grade reduction to E-3. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

7/17/2022

