



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

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Docket No. 4375-22
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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 July 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and 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.

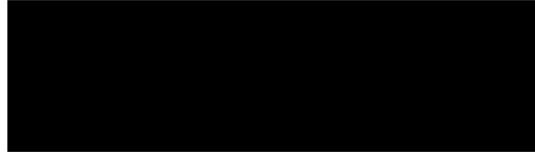
The Board carefully considered your request to remove a nonjudicial punishment (NJP) dated 22 November 2020 from your official military personnel file (OMPF). You contend the NJP should be removed because an administrative discharge board (ADB) found, by a majority vote, that the preponderance of the evidence did not prove any of the actions or omissions alleged. In support of your request, Commanding Officer (CO), █, █ submitted an advocacy letter recommending the removal of the battalion-level NJP.

The Board determined there was insufficient evidence of an error or injustice in the NJP decision and concluded your NJP should remain unchanged in your OMPF. Specifically, the Board, noting the ADB documentation is not in your OMPF, was unable to determine what misconduct was considered by the ADB. Further, the Board noted the outcome of an ADB has no bearing on a commander's decision to impose NJP. Administrative separation processing and NJP are separate and distinct processes serving different purposes and governed under separate and distinct authorities. Therefore, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

8/8/2022



Deputy Director

Signed by: [Redacted]