



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. 5496-22
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 30 August 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) imposed on 3 March 2000. The Board considered your contention that this was a solitary NJP, which occurred in part due to a clash of leadership style you had with a superior and your immaturity. You claim that you took responsibility for your shortcomings and, after leaving the U.S. Navy, you continued to serve in the U.S. Army with honor and distinction as a physician. You further claim that you underwent advanced leadership trainings, including equal opportunity training, which has made you not only an effective staff physician, but a better Army leader as well. The Board considered your assertion that you believe you have grown from your naval service and your mannerism and leadership style bear no relation to your past behavior. As evidenced, you furnished numerous citations you received in the U.S. Army.

The Board noted that you received NJP for violation of four specifications of Article 92, UCMJ and one specification of Article 133, UCMJ. Specifically, dereliction of duty as you failed to stand proper watch; failure to obey a lawful general order or regulation by creating a hostile work environment, displaying discriminatory conduct towards members of the female gender,

conducting yourself in a capricious manner, and using abusive language towards subordinates; and conduct unbecoming an officer and gentlemen by using insulting or defamatory language to another officer. The Board noted, too, that you acknowledged your Article 31, UCMJ Rights, you accepted NJP, you certified that you were given the opportunity to consult with a military lawyer, and you elected to appeal your commanding officer's (CO) finding of guilt at NJP. The Board further noted that the Commander, [REDACTED] after a legal review, denied your appeal and determined there was sufficient evidence for the CO to find you guilty and the punishment was appropriate for the offenses. As such, the Board concluded that the NJP is valid and conducted in accordance with the applicable Manual for Court-Martial (MCM).

Moreover, 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. In this regard, the Board noted that you did not dispute the facts of the NJP or claim a material error or injustice. The Board further noted that upon given the opportunity to submit a statement in response to the Report of NJP, you chose not to do so. The Board, therefore, found you failed to overcome this presumption. While the Board commends your continued military service, accomplishments, and remorse for your prior actions, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting the removal of your NJP from your official military personnel file (OMPF). 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, _____

10/5/2022

[REDACTED]

Executive Director

[REDACTED]