



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

██████████  
Docket No: 5907-22  
Ref: Signature Date

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██  
██

Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 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 noted that, on 14 October 2010, you received non-judicial punishment (NJP) for violation of the Uniform Code of Military Justice (UCMJ), Article 109 for willfully and wrongfully damaging non-military property. You were reduced in grade to Private First Class (E-2), assigned forfeiture of ██████ pay per month for 2 months (total forfeiture ██████), and given 45 days restriction and extra duty which was suspended for a period of 6 months. Prior to the imposition of NJP, you were advised of your rights under Article 31, UCMJ, given the opportunity to consult with a military lawyer, and advised of your right to demand trial by court-martial in lieu of NJP. You chose not to appeal the NJP.

The Board carefully considered your request to have your NJP removed from your official military personal file (OMPF) and that any promotions that were affected by the NJP be corrected. The Board also considered your claim that there are two different versions in your OMPF signifying significant administrative errors and potential injustice.

However, the Board concluded there is no error with your record. A review of your record revealed that there was only one copy of your Unit Punishment Book (UPB) in your record. Therefore, the Board concluded that while possible that the draft UPB was placed in your record, the correct copy was put into your OMPF and no others. Further, after considering your contentions of error, the Board found no errors with the UPB entry. The Board thus determined that your request is lacking sufficient evidence of error or injustice to merit setting aside your NJP. Consequently, the Board also concluded there was no basis to consider any effect the NJP had on your promotions. 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,

9/20/2022

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

Executive Director

A black rectangular redaction box covering the contact information of the Executive Director.