



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

█
Docket No: 6159-22
Ref: Signature Date



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.

A three-member panel of the Board, sitting in executive session, considered your application on 13 September 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 15 April 2021, you received Non-Judicial Punishment (NJP) for violation of the Uniform Code of Military Justice (UCMJ), Article 84, Breach of Medical Quarantine. In that, having knowledge of the quarantine and the limits of the quarantine, you did on or about 22 March 2021 break said quarantine. 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, which you chose not to do.

The Board carefully considered your request to have your NJP removed. The Board considered your contention that you were not properly informed of the Unit's standard operating procedures and your assertion that a lesser form of administrative action was appropriate under the circumstances.

However, the Board determined that the NJP was proper imposed based on the facts of your case. The Board concluded that your commanding officer (CO) had sufficient evidence, acted within his discretionary authority, and conducted your NJP pursuant to the *Manual for Courts-Martial (2019 ed.)*. In making this finding, the Board noted that you do not contest the fact that

you knowingly violated the quarantine that formed the basis for your NJP. Further, the fact you feel that a lesser form of punishment would have been more appropriate was not persuasive to the Board. Ultimately, the Board decided it was up to the CO to determine the level of administrative action required to appropriately address your misconduct. Therefore, upon careful review and consideration of all available evidence of record, the Board found insufficient evidence of any material error or injustice warranting removal of the NJP. 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,

10/8/2022



Executive Director

Signed by:

