



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

██████████
Docket No. 8026-22
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 20 December 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 unit punishment book (UPB) documenting the nonjudicial punishment (NJP) you received on 28 September 2020. The Board considered your contention that the NJP was performed by an officer without proper authority to award your reduction in grade.

The Board, however, determined that given the presumption of regularity, your petition amounts to an unsupported claim that the action taken by your command was incorrect and improper. This unsupported claim is not enough to overcome the objective evidence of your actions, which was brought forth by the command and its connection to the issuing official's decision to impose NJP for failing to obey an order or regulation and making a false official statement.

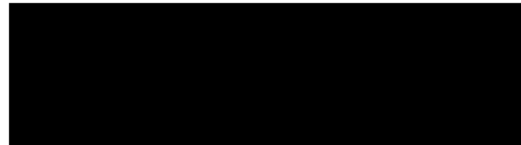
The Board noted that prior to the imposition of NJP, you were advised of your Article 31, Uniform Code of Military Justice rights, you were given the opportunity to consult counsel, your right to refuse NJP and demand trial by court-martial. You agreed to accept NJP, subject to your right to appeal. You did not appeal. Although you contend that the officer imposing NJP did not have the proper authority to reduce you in grade, you failed to provide any evidence to the contrary. The Board thus determined that the officer that imposed your NJP had the authority to

impose NJP based on his position and the nature of the offenses. The Board further determined that your NJP is valid, was conducted in accordance with the Manual for Courts-Martial and Legal Support Administrative Manual, and the officer was justified in taking appropriate measures given your actions. Accordingly, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of your UPB and NJP from your official military personnel file.

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,

1/20/2023

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Deputy Director

Signed by: 