



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

██████████
Docket No. 8868-22
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 23 February 2023. 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 comment “[s]omewhere in my record shows that I am currently AWOL” in block 12 of the DD Form 149. Without a statement or further explanation of the correction and/or relief you are requesting, the Board, noting your block 14 explanation of “why” the correction should be made, determined you were requesting removal of documentation in your record which reflects you are currently in an unauthorized absence (UA) status and/or misconduct records in your record that might cause your status to appear incorrectly. The Board further considered your contention your record is preventing you from obtaining access to military installations and is negatively impacting your ability to fulfil your duties as an Uber driver.

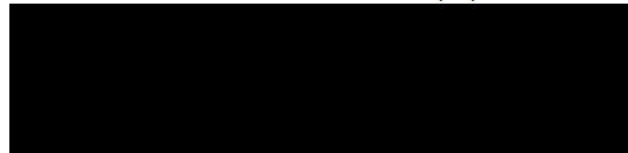
The Board noted you received five nonjudicial punishments (NJPs), one special court-martial (SPCM), and one summary court-martial (SCM) during your military service. Specifically, on 23 November 1970, 19 January 1971, 21 March 1974, 7 June 1977, and 5 August 1977, you received NJPs for UA periods ranging from one day to one week. Further, on 28 January 1977, you were convicted by SPCM for three instances of UA. Lastly, the record reflects that on 28 October 1977, you were convicted by SCM for UA and breaking restriction. Your record does not reflect

that you are currently in an UA status. Further, the Board considered your contention your record of misconduct is negatively impacting your job as an Uber driver, but noted you did not provide any additional information or supporting evidence for consideration. The Board determined there was insufficient evidence of an error or injustice in the NJPs, SPCM, and/or SCM and concluded the recorded misconduct adjudications should remain unchanged in 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,

3/29/2023

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Deputy Director

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