



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

█  
Docket No. 1210-23  
Ref: Signature Date

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█  
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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 March 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 request to remove or “reclassify” a nonjudicial punishment (NJP) resulting from a “knife incident” in December 1991 which has caused you to fail a background check for a weapon purchase because your background check reflects you as a “violent offender of a crime.” Further, you contend the NJP is showing as a conviction when you were never convicted of a crime.

The Board determined there was insufficient evidence of an error or injustice in the Commanding Officer’s (CO) NJP decision and concluded your 9 January 1992 NJP should remain unchanged in your Official Military Personnel File. Specifically, your contentions provide insufficient evidence of an error or injustice to overcome the presumption the CO had sufficient evidence on which to base a guilty finding at NJP. Further, the Board considered your contention that NJP does not equate to conviction of a crime but determined a reclassification of the NJP is not an authorized or available remedy. Therefore, based on the available evidence, the Board concluded there was insufficient evidence of an error or injustice to warrant removing

the NJP from your record. 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,

4/14/2023

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.