



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

██████████  
Docket No. 7698-23  
Ref: Signature Date

██  
██  
██

Dear ██████████

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 applications on 17 October 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 applications, 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 reinstate your rank to HM1/E-6. The Board considered your contention that you were found guilty at non-judicial punishment (NJP) for violating Article 108, Uniform Code of Military Justice (UCMJ), for destruction of government property, and upon doing some research on other Service members who were found guilty of the same violation, you found that they were not reduced in rank. You claim that prior to the NJP, you were never in trouble for any reason during your naval career.

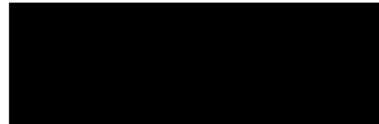
The Board, however, determined that your 22 February 2023 NJP is valid and the punishment imposed was in accordance with applicable Manual for Court-Martial guidance. In this regard, the Board noted that you were advised of your Article 31, UCMJ Rights, you accepted NJP, were advised of your right to submit an appeal and elected not to do so. The Board found no evidence that your NJP, and resulting punishment, were in error or unjust and you provided none. The Board determined that Commanding Officers act as the fact-finder at NJP and adjudicate each case according to its merits. The fact that other service members were not reduced in grade does not invalidate the punishment you were awarded at NJP. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their

official duties. The Board, therefore, found that you failed to overcome this presumption. As a result, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action to reinstate your rank to HM1. 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,

11/4/2023

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

Deputy Director

Signed by: 