



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

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Docket No. 8428-23
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 21 November 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 the Navy Standard Integrated Personnel System (NSIPS) unauthorized absence (UA) entry for the period 28 September 2022 to 30 November 2022. The Board considered your contentions that you did not absent yourself without authority, your command entered the period of UA although you told them the rules, and they refused to remove it. You claim that the Convening Authority (CA) dismissed the charge because you were not UA. As evidence, you provided the applicable charge sheet and NSIPS screen.

The Board noted that on 14 June 2023, the CA dismissed the contested period of UA “without prejudice.” The Board also noted your 4 August 2023 Plea Agreement, in which you entered a plea of guilty to three specifications of violating Article 112a and the CA’s agreement to withdraw the language, charges, and specifications to which you pleaded not guilty. On 16 August 2023, the CA dismissed “without prejudice” all other Uniform Code of Military Justice (UCMJ) violations to which you did not plead guilty. The Board, however, found no evidence that the CA dismissed the contested period of UA “without prejudice” because you were not UA. The fact the CA chose to dismiss the UA charge as part of your Plea Agreement

was not persuasive evidence to the Board that you were not UA during the period in question. The Board considered that, other than your statement, you provided no evidence that were not absent from the command during the period in question. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the NSIPS entry 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,

12/1/2023

