



The Board substantially concurred with the previous Board's decision that your Commander acted within his discretionary authority in imposing NJP and awarding you a PLOR. The Board noted that you provided a statement for consideration at NJP. The Board determined that your Commander was aware of your arguments at NJP, took into consideration aggravating and mitigating factors, yet he/she still found you guilty at NJP and determined that the awarded punishment was proportionate to your misconduct. The Board also noted the correspondence from your former XO/CO; however, the Board found it unpersuasive based on the same rationale. Ultimately, the Board determined that your Commander was the fact finding body and best situated to properly weigh the facts and circumstances of your case. Moreover, the Board considered that appellate authority reviewed your arguments and found that your punishment was not unjust nor disproportionate. As such, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting removal of the PLOR 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

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