



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 11317-06
19 July 2007

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2007. 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, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 13 June 2005 after more than five years of prior active service. On 2 December 2005 you received nonjudicial punishment (NJP) for the sexual harassment of, and communication of indecent language to, a female under your supervision. The punishment imposed was a forfeiture of one-half month's pay per month for two months, restriction and extra duty for 45 days, and reduction from petty officer second class (BM2; E-5) to petty officer third class (BM3; E-4).

The Board rejected your unsubstantiated contention that the NJP of 2 December 2005 was based on unfair and false charges. The Board presumed that your commanding officer acted reasonably in concluding, based on the evidence before him, that you committed the charged offenses. Clearly your commanding officer was in the best position to resolve the factual issues and to impose punishment.

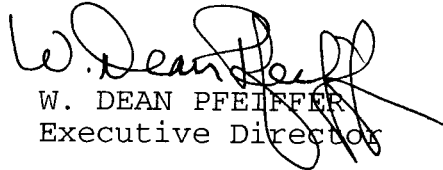
You have not demonstrated that your warfare qualifications were

removed improperly. The restoration of those qualifications is an administrative matter within the jurisdiction of your commanding officer.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,


W. DEAN PFEIFFER
Executive Director