



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

REC  
Docket No: 08179-11  
10 August 2011

[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 10 August 2011. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

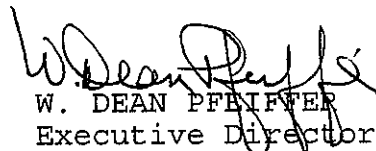
You entered active duty in the Navy on 1 September 1992. On two occasions, 19 September 1996, and 19 November 2007, you signed and acknowledged the Navy's policy concerning sexual harassment. On 22 July 2010, your commanding officer initiated a preliminary investigation of you regarding allegations of sexual assault and sexual harassment. On 9 August 2010, the investigating officer provided your commanding officer with her findings, which included statements from your fellow Sailors. On 10 August 2010, you signed the acknowledgment and waiver of rights concerning the alleged indecent conduct charges. On 11 August 2010, your commanding officer approved all findings. On 20 August 2010, you received nonjudicial punishment (NJP) for failure to obey an order/regulation (wrongfully committing sexual harassment). You received a punitive letter of reprimand. On 24 August 2010, you provided your chain of command an appeal request. Your appeal was ultimately disapproved. On 29 September 2010, your commanding officer submitted a request for detachment for cause by reason of sexual harassment, which you were allotted sufficient time to respond. However, you refused to submit a statement. On 4 November 2010, your commanding officer forwarded

his request to the Bureau of Naval Personnel. On 21 March 2011, the detachment for cause was approved.

In its review of your application, the Board considered all mitigating factors, such as your overall record of service. However, the Board found these factors were insufficient to warrant removing your NJP and derogatory material. The Board concluded that your commanding officer's decision to impose this NJP was appropriate and that it was administratively and procedurally correct as written and filed. The Board further concluded that removal of the NJP or modification of the charge was not warranted. The Board thus concluded that there was no error or injustice in your NJP. 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