



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

TAL
Docket No: 7292-13
15 May 2014

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED]
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) OJAG/Code 20 memo dtd 5 Mar 14
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Navy, filed enclosure (1) with this Board requesting the removal of an erroneous court-martial memorandum from his Official Military Personnel File (OMPF) regarding a nonjudicial punishment (NJP) dated 4 February 2013.

2. The Board, consisting of Ms. Countryman, Mr. Rothlien, and Ms. Wilcher, reviewed Petitioner's allegations of error and injustice on 16 April 2014 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. The Board received a request for correction of Petitioner's naval record. Based on evidence that was

provided, an erroneous court memorandum was generated for NJP imposed on

4 February 2013 Petitioner was not taken to NJP. The erroneous documents were placed in his OMPF and his Electronic Service Record (ESR). A modification was made to his ESR on 3 May 2013, stating "member reduced erroneously, member never went to mast."

d. In correspondence attached as enclosure (3), the office with cognizance over Petitioner's request to remove the derogatory material has commented to the effect that his request has merit and should be granted.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (3), the Board concludes that there is an error and injustice, so Petitioner's request warrants favorable action.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by totally obliterating or removing the erroneous 4 February 2013 NJP and all references thereto.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

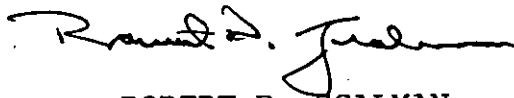
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán", with a stylized flourish at the end.

ROBERT D. ZSALMAN
Acting Executive Director