



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

[REDACTED]
Docket No: 6941-16
JAN 31 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 November 2016. 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, your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinions (AO) furnished by Navy Personnel Command (PERS-32) dated 6 October 2016, copies of which were previously provided to you.

Regarding your request for a personal appearance, be advised that Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

After careful consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board substantially concurred with the AO and concluded that your rank shall remain as Senior Chief Petty Officer, the nonjudicial punishment (NJP) dated 25 July 2015, the punitive letter of reprimand, and the fitness report for the period of 16 April 2015 to 15 September 2015, will remain in your Official Military Personnel File. In regards to your assertion that your fitness report was unjust and your withdrawal from promotion to Master Chief Petty Officer (MCOP) was due to procedural errors surrounding your NJP, the Board noted that you were awarded NJP for misconduct and the reporting senior comments on the results of the NJP in your fitness report was allowed.

The Board also noted that your commanding officer was justified in withholding your advancement to MCPO due to an active NCIS investigation for misconduct which resulted in you being found guilty and receiving NJP. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

[REDACTED]
Executive Director