



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

[REDACTED]
Docket No: 7419-16

SEP 26 2017

[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 23 June 2017. 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. The Board also considered the Advisory Opinions (AOs) provided by the Navy Personnel Command dated 24 March and 4 April 2017.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

On 26 August 2015, you were received nonjudicial punishment (NJP) for conduct unbecoming an officer and you were awarded a punitive letter of reprimand (PLOR). You appealed the NJP and PLOR, but your appeal was denied because the evidence supported the charge and the punishment awarded was just, authorized, and proportionate to the offense. You were also issued and adverse Regular/Periodic fitness report (FITREP) for the reporting period 2 May to 31 October 2015 and detached for cause.

The Board, in its review of your entire record and application with supporting documentation, carefully considered your argument that, given your outstanding history and support of senior command, the awarding of a PLOR was excessive punishment and should be expunged from your record on legal and equitable grounds. The Board significantly concurred with the AOs and concluded your contentions were not sufficient to warrant relief in your case, and that you did

not provide sufficient evidence of an error or injustice to support your request. With regard to your request for a special selection board (SSB), the Board noted that you must exhaust your administrative remedies prior to applying to the Board. Specifically, you must first request an SSB through the Navy Personnel Command. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director