

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

Docket No: 213-17  
DEC 28 2017

Dear

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.

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 issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 November 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, relevant portions of your naval record, and applicable statutes, regulations, and policies.

The Board carefully considered your desire to remove the Unit Punishment Book (UPB) entry dated 22 November 2016 and nonjudicial punishment (NJP) from your official military personnel file (OMPF), and to restore your rank to sergeant/E-5 and your selection to staff sergeant/E-6. The Board considered your contention that due to the absence of aggravating circumstances, the presence of mitigating factors, and your exemplary service record, the offense that you committed does not justify the career-ending punishment that you received at NJP. The Board also considered your argument that the harsh punishment was due to a hazing investigation involving your command, even though you were in no way involved, and that the Commanding Officer (CO) who imposed the NJP was also relieved of his duties as a result of the hazing investigation. The Board found the evidence was insufficient to establish the existence of probable material error or injustice. In this regard, the Board noted that you did not refuse NJP and demand trial by court-martial. You accepted NJP, subject to your right of appeal, but you did not appeal the NJP. Further, the Board found no evidence, and you submitted none, that substantiates your contention that your NJP had anything to do with hazing incidents at your command. Finally, the Board found that your CO was within his discretionary authority to impose NJP, and that the NJP was appropriate. Accordingly, your application has been denied.

  
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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. 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