



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

[REDACTED]
Docket No: 293-17/
5369-15

APR 08 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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 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.

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 enlisted in the Navy and began a period of active duty on 15 November 1949. You served for three years and two months without disciplinary incident, but during the period from 4 February 1953 to 7 March 1953, you received nonjudicial punishment (NJP) on two occasions. Your offenses were absence from your appointed place of duty and dereliction in the performance of duties. On 26 August 1953, you were honorably discharged from active duty at the completion of your required service.

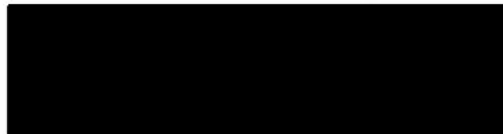
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your contention that both of the NJPs were by the same Lieutenant because he was prejudice toward you and want you transferred out of the position as Staff Yeoman. The Board concluded these factors were not sufficient to warrant reinstating you to paygrade E-4, due to your misconduct that resulted in two NJPs. In regard to your contention, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Your application failed to provide sufficient independent facts to overcome that presumption. The Board concluded that the commanding officer's decision to impose the foregoing NJPs, and the punishment was appropriate, and that it was administratively

and procedurally correct as written and filed. Furthermore, the Board found no prejudice considering the fact that you were discharged with a characterization of Honorable service and were recommended for reenlistment. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken again. 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 the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director