



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

██████████  
Docket No: 6110-17

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 October 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.

On 30 September 2016, you were convicted by a summary court-martial (SCM) of violation of Article 120 (Abusive Sexual Contact). You were adjudged confinement and reduction in rank.

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. The Board carefully weighed all potentially mitigating factors, such as your desire to receive back pay from 30 September 2016, reinstatement of your rank and to have removed the SCM conviction from your Official Military Personnel File (OMPF). The Board also considered your contention that there was a legal error, administrative oversight by Naval Criminal Investigative Service (NCIS) at the onset of the investigation. The Board concluded these factors were not sufficient to warrant reinstatement of your rank, receive back pay from 30 September 2016 and to remove your SCM conviction from your Official Military Personnel File (OMPF). In this regard, the Board concluded that your SCM was appropriate, administratively and procedurally correct as written and filed. In regards to your contention, the Board substantially concurred with the Staff Judge Advocate's assessment that the legal error did not merit corrective action on the findings or sentence that you were adjudged. Accordingly, your application has been denied.

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.

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,

[REDACTED]

Executive Director