



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

[REDACTED]
Docket No: 6600-17
MAR 04 2018

[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 31 January 2018. 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 enclosed advisory opinion (AO) dated 27 July 2017 was sent to you for an opportunity to comment prior to being considered by the Board. After the 30 day period for comment expired without a response, the case was presented to the Board.

The Board carefully considered your desire to remove the fitness report for the reporting period 16 July 2014 to 3 April 2015 from your official military personnel file. The Board considered your contentions that (1) you chose to accept nonjudicial punishment, although there was obvious wrong-doing throughout the investigation, a conflict of interest with the investigating officer, and because you felt there was no other legal course of action available; (2) you were not provided adequate legal advice; (3) you felt as though the command had completely turned its back against you; (4) after being presented with new evidence that identified several inconsistencies in both investigations, you now feel that there was ample evidence to prove both processes were unjust and unwarranted. The Board significantly concurred with the AO and concluded that you did not sufficiently substantiate the existence of an error or injustice. The Board determined that the removal of the fitness report is not warranted. 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

