



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

██████████  
Docket No. 4244-24  
Ref: Signature Date

██  
██  
██

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 April 2024. 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 applications, 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 request to remove the 16 April 2012 and 24 April 2012 Record of Unauthorized Absence (UA) from your official record. You also requested that your Pay Entry Base Date (PEBD) and Active Duty Service Date (ADSD) be adjusted to 11 April 2011. The Board considered your claim that you experienced unforeseen delay to duty due to missing a flight caused by adverse weather conditions. You further claim that you promptly contacted your chain of command, requested an extension of leave, and you were instructed to report to the Beach Detachment the following day. The Board also considered your assertion that you had no prior disciplinary actions and your UA was never the subject of a Discharge Review Board, Executive Officer Instruction, or Non-Judicial Punishment.

In this regard, the Board noted on 16 April 2012 you were UA and missed ship's movement. Ultimately, you surrendered to ██████████ Detachment located at Naval Station ██████████, ██████████ on 17 April 2012. Further, the Board noted, pursuant to MILPERSMAN 1070/606, an unauthorized absence record (NAVPERS 1070/606) is used to record periods of unauthorized absence in excess of 24 hours. The Board considered your claims but determined you provided insufficient

evidence that the periods of UA were marked in error. Specifically, you provided no evidence that your UA and missing ship's movement was excused.

Next, in regard to your claim that you were not the subject of prior disciplinary actions regarding your UA status, the Board noted adverse or punitive actions are not required for the issuance of a record of UA. Moreover, 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. The Board found your evidence insufficient to overcome this presumption. Thus, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

5/21/2024

