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

Docket No. 4739-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 16 May 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 application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the nonjudicial punishment (NJP) imposed on 5 May 2023 due to the many errors and altered documents[1] in the Unit Punishment Book (UPB) and the Administrative Remarks (Page 11) entry. In support of your contention, you provided a highlighted excerpt from the Legal Support and Administration Manual along with the documents you contend are original and those you contend were altered before uploading into your official military personnel file (OMPF).

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[1] You specifically note the following errors: 1) Page 11 entry was incorrect and missing four words; 2) On the UPB, the words "see supplemental page" were not written as required in boxes six and seven; 3) When the corrections was made to box 13 of the UPB, the preparer failed to draw a thick inked line, initial the correction, and enter the information directly above the original UPB information; 4) In box 1, the preparer failed to put the prescribed time of the incident; 5) In both UPBs, the inapplicable portions in boxes 2, 4, 9 and 12 were not struck through; and 6) Box 18 was not initialed by the Commanding Officer (CO) or filled out prior to uploading into your OMPF.

The Board noted you do not dispute the orders violation that led to the CO imposing NJP but rather rely on what you contend are altered documents and numerous administrative errors to warrant your request to set aside the NJP. The Board carefully considered each of your contentions, noted none of the contended errors or alterations negatively impacted the NJP, and concluded the errors/alterations are insufficient to overcome the presumed regularity in the CO's decision to administer NJP. The Board further noted you chose not to appeal the NJP. Additionally, the Board noted the CO issued an Administrative Remarks (Page 11) counseling entry following the NJP and although you were provided an opportunity to rebut the counseling entry, you chose not to provide a statement. Based on the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

6/4/2024