



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

██████████  
Docket No. 4825-24  
Ref: Signature Date

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████████████████████  
████████████████████

Dear Petitioner:

This letter is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 7 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 that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove your 7 January 2016 Report and Disposition of Offenses, which documents your Non-Judicial Punishment (NJP). The Board considered your contention that the punishment was too harsh and that it should be expunged after two years. The Board also considered your claim that you are unable to pursue a career in law enforcement (LE) because of the NJP.

The Board noted, on 7 January 2016, you were the subject of NJP for Violation of Article 128, Assault Consummated by Battery and Article 134, Disorderly Conduct, drunkenness of the Uniform Code of Military Justice (UCMJ). As a result, you received restriction, were assigned extra punitive duties for 45 days, were reduced to the next inferior pay grade (suspended for six

months), and were awarded forfeitures. The same day, you also received a NAVPERS 1070/613 (Page 13) as a result of NJP. You signed the counseling entry.

In regards to your contentions that the punishment was too harsh, it should be expunged after two years, and that you are unable to pursue a career in LE based upon the NJP, the Board noted other than your personal statement, you provided insufficient evidence to invalidate the Commanding Officer's (CO's) determination to impose NJP. Thus, the Board determined that your CO was well within his discretionary authority to impose NJP. 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. As a result, the Board concluded that there is no probable material error or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

5/22/2024

