



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

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Docket No. 5205-24
Ref: Signature Date

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Dear Petitioner:

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 21 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 carefully considered your request to remove the 21 January 2003 NAVPERS 1070/606 (Record of Unauthorized Absence) documenting your unauthorized absence (UA) from 6 January 2003 to 7 January 2003. The Board considered your contention that you were returning from approved leave the evening of 5 January 2003, when there was a weather related delay for your flight. You claim that you contacted the Naval Submarine School quarterdeck watch about the weather delay, upon checking in from leave, the Command Duty Officer did not ask any questions and never informed you that you were being marked as UA. You also claim that you never received non-judicial punishment or notification of this issue.

The Board noted that according to MILPERSMAN 1070-133, the Record of Unauthorized Absence is used to record periods of UA in excess of 24-hours and lost time due to confinement by civil authorities or sickness due to misconduct. According to the contested document, you were in an UA status from 0700, 6 January 2003 to 0730, 7 January 2003 and the Board found no evidence to the contrary. 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. Other than your statement, you

provided no evidence to overcome this presumption. The Board thus 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,

6/6/2024

