



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

█  
Docket No. 6363-24  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 9 July 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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 the 24 September 2021 unit punishment book/non-judicial punishment (NJP). The Board considered your contention the NJP was awarded with unlawful command influence, is an injustice, and the awarded punishment was disparate to the offense. You claim that prior to the NJP, you were part of an investigation that led to the relief of the Installation Personnel Administration Center (IPAC) Director, you were targeted for an unrelated government travel charge card (GTCC) offense and punished for your participation in the investigation. You also claim the GTCC payment was remedied upon notification and the Squadron Commanding Officer (CO) stated he had no choice but to award NJP as it came directly from the Station CO.

The Board noted that you received NJP for violating Uniform Code of Military Justice (UCMJ) Articles 92 and 107 for using your GTCC to purchase an XBOX and Play Station gaming

console. When asked about the 30 June 2021 and 2 July 2021 purchases on you said the purchases were for uniform items, which you knew was false. Your CO found you guilty at NJP and awarded a Punitive Letter of Reprimand. The Board also noted that you acknowledged your Article 31, UCMJ Rights, accepted NJP, and certified that you were given the opportunity to consult with a military lawyer. You also acknowledged your right to appeal, and you elected not to appeal your CO's finding of guilt at NJP. The Board determined that your CO acted within his discretionary authority and conducted your NJP pursuant to the *Manual for Courts-Martial* (2019 ed.). The Board found no evidence to support your assertions regarding the IPAC Director and you provided none. Moreover, there is no evidence to mitigate or refute the underlying basis for your NJP. 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 also indicate in your application that you are the victim of reprisal. The Board, however, determined there was insufficient evidence to conclude that your NJP was imposed as reprisal in violation of 10 U.S.C Section 1034. In making this determination, the Board noted no evidence, other than your statement.

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,

7/19/2024

