



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. 11343-24
Ref: Signature Date

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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 4 February 2025. 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 your 9 February 2023 Unit Punishment Book/nonjudicial punishment (NJP). The Board considered your contention that your case was dismissed by the County Superior Court; therefore, you were not convicted of any crime.

The Board determined that your NJP is valid in accordance with the Manual for Courts Martial (2023 ed.). In this regard, the Board noted that you received NJP for violating Article 113, Uniform Code of Military Justice (UCMJ) for operating a vehicle under the influence of alcohol. The Board also noted that you were advised of your Article 31, UCMJ Rights, you accepted NJP, certified that you were afforded the opportunity to consult with a military lawyer, and you declined to appeal your Commanding Officer's (CO) finding of guilt.

The Board noted your participation in the █ Veteran's Treatment Program. The Board also noted that participants must plead guilty in their criminal case as a condition to participate in the program. The Board determined that dismissal of your civil criminal case after successful completion of the Veteran's Treatment Program is immaterial and does not change the character of your misconduct. Moreover, the finding by the civil court is not binding on your CO's authority and does not invalidate a properly conducted NJP. The Board also determined

that your CO acted within his discretionary authority and relied on a preponderance of evidence when finding that you violated Article 113, UCMJ. 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,

2/26/2025

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Deputy Director

Signed by: █