



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

██████████
Docket No. 613-25
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 20 May 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, applicable statutes, regulations, and policies, and the 21 March 2025 advisory opinion (AO) furnished by the Office of the Chief of Naval Operations (N130). The AO was provided to you on 8 April 2025 and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the 18 October 2023 non-judicial punishment (NJP). The Board considered your contentions that the commanding officer (CO) improperly applied Department of Defense Instruction (DoDI) 1327.06 during NJP and you were never in an unauthorized absence (UA) status that could be punishable according to the Uniform Code of Military Justice (UCMJ). You claim the command inquiry found little Navy guidance regarding parenting requirements that must be fulfilled while executing parental leave. You also claim a clerical error was identified in the NJP document that was used against you in divorce court causing a further decline in your mental health. Additionally, the ruling caused you stress which compounded other stressors that led to your admission to the psychiatric ward for suicidal ideation and Post Traumatic Stress Disorder (PTSD) symptoms. Further, you claim the command requested to discharge you for high year tenure, which would have covered up the injustice. Finally, you also indicate in your application that you suffer from PTSD, Traumatic

Brain Injury (TBI)¹, and other mental health conditions. The Board, however, noted you provided no evidence of your claims and found no evidence that your purported diagnosis either mitigated or contributed to your misconduct.


The Board substantially concurred with the AO that you have not provided sufficient evidence to support your claim that the charge for violating UCMJ Article 86 was in error. In this regard, the Board noted the Record of UA; which indicates that you were recalled from leave and did not report as ordered. You were ordered to report on 1 September 2023 and failed to do so until 4 September 2023. The Board also noted that you received NJP for violating UCMJ Article 86, Article 92 and Article 107. Your CO found you guilty at NJP, awarded restriction, forfeitures of pay, and reduction in rate; which were suspended. Then, on 21 December 2023, the CO vacated your suspended punishments due to further misconduct. The Board determined that your CO acted within his discretionary authority and conducted your NJP pursuant to the applicable Manual for Courts-Martial (MCM).

Other than your statement, the Board found no evidence that your CO improperly applied DoDI 1327.06 during NJP. Moreover, the Board relies on a presumption of regularity to support the official actions of public officers, in the absence of substantial evidence to the contrary, the Board will presume that they have properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. The Board thus concluded 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,

6/4/2025



¹ The Board noted that your commanding officer's report of your administrative separation discusses your TBI claim and documents that your medical record was reviewed by the command medical officer who found no diagnosis of TBI. The medical officer thus concluded your misconduct could not be attributed to TBI.