



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

█  
Docket No. 1703-25  
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 18 June 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 as well as the 21 April 2025 advisory opinion (AO) furnished by the Navy Personnel Command (PERS-00J). The AO was provided to you on 7 May 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

The Board carefully considered your request to modify your 21 March 2012 Court Memorandum/non-judicial punishment (NJP) by removing the Uniform Code of Military Justice (UCMJ) Article 111 violation. The Board considered your contention that you received NJP for violating UCMJ, Articles 92 and 111, at the time you were informed you would be charged with underage drinking. You also contend your subsequent evaluation report did not include the charge for UCMJ, Article 111, and the Drug and Alcohol Report (DAR) states you were not seen for an offense related to driving under the influence or treatment due to not having any dependency issues with alcohol. You claim that you did not realize that UCMJ, Article 111 was on your record until you had an additional NJP on 14 January 2025 for violating UCMJ, Article 113.

The Board noted that you received NJP for violating UCMJ Articles 92 and 111 for disobeying a regulation and for the drunken or reckless operation of a vehicle. The Board also noted that your commanding officer found you guilty and awarded reduction to E-3 (susp for six months),

forfeiture of pay, restriction, and oral reprimand. The Board found no evidence of errors in the conduct of your NJP and determined that your commanding officer acted within his/her discretionary authority, and imposed NJP pursuant to the applicable Manual for Courts-Martial (MCM).

The Board substantially concurred with the AO that your contentions lack merit. In this regard, the Board noted your evaluation report for the reporting period 14 July 2011 to 15 June 2012 and the Reporting Senior (RS) statement documenting your NJP conviction. The Board also noted that the RS statement omitted the Article 111 violation and determined the omission of Article 111 is an administrative oversight. The Board also determined that in accordance with MILPERSMAN 1070-310 and 1626-020, the Court Memorandum is the official document used to record all NJP actions. The Court Memorandum memorializes your NJP charges your commanding officer's finding of guilt. Accordingly, your evaluation report and DAR have no bearing on the validity of your Article 111 charge documented in the Court Memorandum.

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 also indicate in your application that you are the victim of reprisal. The Board, however, determined that there was insufficient evidence to conclude that the charge for violating UCMJ Article 111 was a violation of 10 U.S.C Section 1034. In making this determination, the Board found no evidence, other than your statement, that your commanding officer's finding of guilt and documented violation of UCMJ Article 111 was a reprisal action.

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,

7/8/2025

