



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

██████████
Docket No. 2438-25
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 17 September 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 determined that a personal appearance with or without counsel would 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.

You previously applied to this Board to remove your 27 June 2018 unit punishment book (UPB)/non-judicial punishment (NJP) and denied your request on 12 November 2024. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

The Board carefully reconsidered your request to remove your 27 June 2018 UPB/NJP. The Board considered your contention that NJP was imposed without proper due process. You also contend there was no investigation and you were punished under ALMAR 8/17 prior to being officially counseled. You further claim that the accuser recanted her allegations.

The Board noted that you received NJP for violating Uniform Code of Military Justice (UCMJ) Articles 92 for violating Article 1168, U.S. Naval Regulations by wrongfully broadcasting a

visual image. The Board also noted that you acknowledged your Article 31, UCMJ Rights, accepted NJP, certified that you were given the opportunity to consult with a military lawyer, acknowledged your right to appeal, and you elected not to appeal your commanding officer's finding of guilt at NJP.

After thorough review, the Board affirmed its previous decision. Contrary to your statement, the Board found that you did not receive NJP for violating ALMAR 008/17 but for violating Article 1168 of the U.S. Naval Regulations. The Board also found your contention regarding lack of knowledge concerning the nonconsensual distribution or broadcasting of images policy to be unpersuasive. According to the MCM, "[k]nowledge of a general order or regulation need not be alleged or proved as knowledge is not an element of this offense and a lack of knowledge does not constitute a defense." Therefore, the Board determined that your purported lack of knowledge has no bearing on the commanding officer's determination of your guilt. The Board also determined that an investigation is not required for a commanding officer to impose NJP and concluded the commanding officer would have relied upon a preponderance of evidence when finding you guilty at NJP. Further, other than your statement, the Board found no evidence that your due process rights were violated or that the victim recanted her statement. As a result, the Board determined that your commanding officer acted within his/her discretionary authority and imposed NJP pursuant to the applicable Manual for Courts-Martial (MCM).

Finally, 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 the evidence you provided 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,

11/19/2025

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Executive Director

Signed by: █