



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

[REDACTED]
Docket No. 2445-25
Ref: Signature Date

[REDACTED]

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 24 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, as well as the Advisory Opinion (AO) provided by the Navy Personnel Command (PERS 32) on 12 March 2025. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to strike language from the fitness report for the reporting period 19 October 2023 to 31 January 2024. Specifically, you requested the language regarding your entry into an Accelerated Rehabilitative Disposition, after being charged with driving under the influence (DUI) based on a blood alcohol content of .26%, be removed because, although “not factually inaccurate,” the charge was withdrawn by the court¹. You further contend the language should be removed because you were never charged under the Uniform Code of Military Justice nor did you receive non-judicial punishment (NJP). Additionally, you contend the language is unjust because a Board of Inquiry (BOI) voted to

¹ The only remaining charge was Reckless Endangerment of Another Person and charges were subsequently dismissed and expunged from your record.

retain you in the Navy. You contend this fitness report has made you non-competitive for promotion or transfer to the reserves and will also negatively impact your ability to be hired outside the military.

The Board, however, substantially concurred with the AO and determined there is insufficient evidence of an error or injustice in the contested report. The Board, noting you acknowledged the language in question was “not factually inaccurate,” determined your completion of the diversionary program, and the resulting withdrawal of the DUI charge by a civilian court, does not make the language erroneous or unjust. Further, the Board was not persuaded by your arguments regarding the lack of NJP and your retention by a BOI; noting those are distinct and separate administrative measures that are not dispositive of whether your fitness report accurately documents your DUI adjudication by civilian authorities. Based on the available evidence, the Board concluded there is insufficient evidence of material error or injustice warranting modification of the fitness report. 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,

11/18/2025

