



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

██████
Docket No. 2759-25
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 February 2026. 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 overturn your "Captain's Mast decision and awards" and correct your time in rate for E-6 to allow for "eligibility to test for Chief due to missed opportunity." You contend the Naval Criminal Investigative Service (NCIS) "found lack of evidence and reason to convict" which led to your case being "sent" to your Commanding Officer to use his discretion "due to being on a surface vessel." You further contend relief is warranted due to the Administrative Discharge Board (ADB) findings. In support of your contentions, you submitted a request for nonjudicial punishment (NJP) set aside dated 16 March 2025, but you did not submit all of the listed enclosures nor the Commanding Officer's response. Additionally, you submitted the 18 August 2021 Senior Trial Counsel (STC), Region Legal Service Office Western Pacific, Prosecutorial Merit Review. In the review, the STC recommended "against preferring criminal charges" and recommended "handling this case at [NJP] and by potential administrative separation processing." Lastly you submitted three Evaluation Report & Counseling Records and the undated ADB worksheet which reflects the ADB determined the preponderance of the evidence did not support the separation by reason of misconduct basis.

The Board determined there was insufficient evidence of an error or injustice in the NJP decision and concluded your NJP should remain unchanged in your official military personnel file. Specifically, the Board noted the outcome of the ADB has no bearing on a commander's decision to impose NJP. Administrative separation processing and NJP are separate and distinct processes serving different purposes and governed under separate and distinct authorities. Further, although the Board was unsure what you were referring to as NCIS's finding of lack of evidence, the Board assumed you were referring to the STC's Prosecutorial Merit Review and determined this argument lacked merit since the STC review was simply a recommendation to your commanding officer and a determination of whether your offenses met the seriousness threshold for referral to a court-martial was not dispositive of your guilt or innocence. Additionally, although the request for set aside you submitted has no bearing on the NJP, the Board did consider the content of the request. Specifically, the Board considered your contention the ADB "received new evidence, which did not exist at the time of the NJP in the form of a written statement by the alleged victim." However, the Board noted you did not provide the enclosure for the Board's consideration. Therefore, the Board found your evidence insufficient to overcome the presumption of regularity associated with your NJP and no basis to grant any relief in equity. Having taken no action regarding your NJP, the Board did not consider your request to correct your time in rate for E-6. Based on the totality of the available evidence, the Board concluded there is insufficient evidence of an error or injustice warranting your requested 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,

2/27/2026

