



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

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Docket No. 2987-25  
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 (the 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 22 December 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 your 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.

The Board carefully considered your request to 1) remove the non-judicial punishment (NJP) dated 24 June 2022, and any reference to it, from your Official Military Personnel File (OMPF), and 2) reinstate your previously approved commission, along with your contentions that:

1) The NJP is unjust due to disparate treatment on two occasions. Specifically, a similarly situated Sailor's case was dismissed when yours was not, and after filing your NJP appeal, you were treated in an unprofessional and punitive manner which ultimately led to your NJP being reported to Navy Personnel Command and included in your OMPF, with errors, when a similarly situated Chief, who did not appeal, did not have his NJP included in his OMPF.

2) Procedural error occurred in relation to your NJP. Specifically, prior to the NJP, you were forced to sign a document acknowledging you had been provided all evidence to be considered, and that the documented stated, "none." However, you contend your command failed to provide you with a Sailor's chit that was used as evidence. Further, at the NJP, your commanding officer (CO) played

“gotcha” by quizzing you on the Chief’s Creed and other documents. Additionally, during the NJP appeal process, you learned the CO also considered documents from a Naval Criminal Investigative Service investigation that were not shared with you. Also, after your appeal was denied, you learned that the time stamps on the videos used as evidence that hazing occurred proved you were not present, and that no hazing occurred on 20 April 2022, the date charged on your NJP. Lastly, you believe your CO considered false information causing her to believe you retaliated against a First Class Petty Officer (PO1). In total, you believe you should have been made aware of all of these considerations prior to your NJP and appeal process. You contend failure to disclose this information was a clear procedural violation of your rights under Article 15 of the Uniform Code of Military Justice (UCMJ).

3) Substantive error occurred in relation to your NJP. Specifically, the offense for which you were punished was failure to obey a lawful general regulation in violation of Article 92 of the UCMJ: “by word, act, deed or omission, condone or ignore hazing if [you knew] or reasonably should [have known], that hazing may or did occur, as a supervisor,” which created a legal requirement for there to be some evidence of how you reasonably should have known of the hazing. You contend no such evidence was supplied. Additionally, as previously stated, your offense was charged as having occurred on 20 April 2022, a day on which you state no evidence exists to prove hazing occurred. You believe your CO conflated a general culture of hazing at your work center with dereliction of duty on your part, which was not the specification with which you were charged.

4) Retaliation occurred, as the facts of record present a disturbing sequence of events suggesting that your CO harbored an unprofessional, personal, vendetta against you.

5) Even if the Board does not find that procedural or substantive errors occurred, the Board has the authority, and a duty, to grant clemency when the facts and circumstances demonstrate a clear injustice. You contend clemency is appropriate in your case because you were, and are, an outstanding Sailor, Chief, and shipmate; despite slights made by your CO in paperwork related to your NJP appeal and Equal Opportunity complaint, your CO kept you on board for your trusted leadership, stating, “your leadership and support is needed on board;” and, despite you diligently ensuring your ship passed all certifications and inspections, you lost your commission, failed to select for E8, and with the NJP on record, will never advance.

Upon careful review of your application and OMPF, the Board determined you did not demonstrate probable material error, substantive inaccuracy, or injustice, and concluded your request does not merit relief. As a preliminary matter, the Board relies on a presumption of regularity to support the official actions of public officers, and 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 concerning procedural and substantive errors in relation to your NJP insufficient to overcome this presumption.

Specifically, concerning the NJP, review of your OMPF established that prior to receiving NJP you acknowledged your Article 31, UCMJ rights, accepted the NJP, certified that you were given the opportunity to consult with a military lawyer, acknowledged your right to appeal, and did, in fact, appeal. Furthermore, despite your contentions otherwise, the Board determined your CO had sufficient evidence to find you guilty, by a preponderance of the evidence, at NJP, acted within her discretionary authority, and conducted your NJP pursuant to the Manual for Courts-Martial (2019 ed.)(MCM).

Regarding your contention of disparate treatment, the Board determined there was insufficient evidence to draw this conclusion. Although you may not be content with the actions taken against you in comparison to those taken against others, these actions were within your CO's discretion. Absent convincing evidence to the contrary, which the Board did not find exists, it is not the Board's role to deconstruct and question your CO's authority after the fact.

Likewise, regarding your contention of retaliation, the Board determined there was insufficient evidence that your CO retaliated against you. Rather, as previously stated, the Board found your CO acted in accordance with the MCM, and thus found your NJP and affiliated actions to be valid, and non-retaliatory.

Regarding your contention that clemency is warranted in your case, the Board notes that clemency is not a possibility in relation to NJP. Apart from your CO deciding to set aside your punishment, whether in part or entirely, there is no mechanism to provide that sort of relief. The Board does not intend to diminish your contributions or character as a Sailor, Chief, or shipmate, in making this finding, but, again, the Board found your NJP to be valid, and sees no cause for its removal.

Lastly, regarding your request for the Board to reinstate your previously approved commission, pursuant to the 10 February 2015 Under Secretary of Defense Memo, Military Department correction boards do not have the authority to remedy perceived errors or injustices by correcting records to show that an officer has been appointed to a certain grade when the officer has not been appointed to that grade by the President or Secretary of Defense.

As such, on whole, the Board found your application did not meet the burden of proof or show by preponderance of the evidence probable material error, substantive inaccuracy, or injustice, warranting removal of the NJP, or reinstatement of your commission, and thus concluded your request should be denied.

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,

1/5/2026

