



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

Docket No. 3038-25
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. § 1552
(b) BUPERSINST 1610.10F

Encl: (1) DD Form 149 w/enclosures
(2) DD Form 214, 23 Aug 23
(3) NAVPERS 1610/27, Evaluation & Counseling Record (E7-E9), 1 Sep 23
(4) NAVPERS 1610/2, Fitness Report & Counseling Record (W2-O6), 1 Sep 23
(5) [REDACTED] (DDG 114) ltr 5812 Ser DDG 114/252 subj: Report of
Nonjudicial Punishment ICO [Petitioner], 18 Sep 23
(6) Advisory Opinion of 31 Mar 25

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by removing enclosures (2) through (4).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 November 2025 and, pursuant to its regulations, determined the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations, and policies. Additionally, the Board considered enclosure (6), an advisory opinion (AO) furnished by Navy Personnel Command, that was considered favorable toward Petitioner.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds the following:

a. On 23 August 2023, a Certificate of Release or Discharge from Active Duty (DD Form 214) was issued for Petitioner with narrative reason for separation of "accept commission or warrant in same branch of service."

b. On 31 August 2023, Petitioner was issued an enlisted evaluation which purports to be upon commission via the Limited Duty Officer (LDO) program.

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c. On 1 September 2023, Petitioner's commission was placed on hold.

d. On 7 September 2023, Petitioner was issued NJP for violation of Article 92 of the UCMJ, for failure to obey an order regulation by engaging in fraternization with a junior enlisted Sailor. He was additionally issued a Not Observed (NOB) officer Fitness Report upon transfer to the [REDACTED].

e. On 15 September 2025, Petitioner's selection for commission was removed and he was issued an Evaluation reflecting the rank of Chief and including in block 41, "Member found guilty of violation of UCMJ Article 92 at Captain's Mast. Member waived his five days right to appeal on 27 July 2023."

f. Petitioner contends his commission was revoked as a result of NJP and requests that all documents related to commissioning be removed from his record to eliminate gaps in continuity.

g. As part of the Board's review, the Board considered enclosure (6). The AO states in pertinent part: Enclosures (3) and (4) are on file, signed by the member, and the member indicated he did not wish to submit a statement in relation to either. Enclosure (3) is a Special/Regular report, and enclosure (4) is a Detachment of Individual/Regular Report. Per reference (b), both reports are considered valid. Chapter 3 of reference (b) states that commands are to submit a Special Report the day prior to a member's appointment to officer status for the purpose of closing out the member's enlisted status. Reference (b) also states that an officer Fitness Report is required to be submitted when a member transfers from the command where commissioned to another command. The AO concludes by recommending that the Board make the determination as to removal of the reports in question. The AO notes that Navy Personnel Command has no purview over removal of enclosure (2), the DD Form 214.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting relief. The Board determined that although Petitioner's record contains enclosures (2) through (4), which reference officer commissioning, that Petitioner was not, in fact, ever commissioned. Rather, the Board determined that enclosures (2) through (4) were prepared, as a matter of administrative efficiency, in advance of a commission that did not ultimately occur due to NJP. As such, the Board determined that enclosures (2) through (4) are present in Petitioner's record in error and that it is in the interest of justice to remove them.

RECOMMENDATION

In view of the above, the Board directs the following corrective action:

That Petitioner's naval record be corrected by removing enclosures (2) through (4).

That any other material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record, and that no such entries or material be added to the record in the future. This includes, but is not limited to, all information

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systems or database entries that reference or discuss the expunged material.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

12/10/2025

