



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

█  
Docket No. 3041-25  
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.

A three-member panel of the Board, sitting in executive session, considered your application on 3 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, as well as the █ advisory opinion (AO) provided by the Bureau of Naval Personnel Office of Legal Counsel. Although you were afforded an opportunity to submit a rebuttal to the AO, you did not do so.

The Board carefully considered your request to remove the "Mitigation of NJP Punishment" letter, dated 17 May 2016, from your record, along with your contentions that the letter should be removed because it references punishment that is not documented and was set aside. You further contend that all other documents related to the issue have been removed from your record and that, as a result, this remaining document creates confusion.

After careful review, the Board concurred with the AO in its entirety, finding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting removal of the letter. In your case, you received NJP and your commanding officer (CO) later mitigated a portion of that punishment. Your argument conflates his act of mitigation of the punishment with a setting aside of the NJP. However, this is not what occurred. Your CO did *not* set aside the NJP, he only mitigated the punishment. Setting aside an NJP and mitigation of punishment are two separate processes; one does not equal the other. Further, you contend that because all other references to the NJP have been removed from your record, this letter, too, should be removed. The Board found in agreement with the AO, however, that prior removals of

references to the NJP from your record were mistakes which happen to be in your favor. There is nothing in your record to indicate, nor did you provide any evidence to show, that the NJP, itself, was flawed. As such, it was inappropriate for other references to the NJP to have been removed. Lastly, the mitigation letter as written and filed states your CO's rationale for mitigation of the punishment and is a proper reflection of why he took the action. It is appropriate for future selection boards to be aware that your CO recommended mitigation of your reduction in rank, even though he maintained that your judgement resulting in the NJP was flawed. Keeping this letter in your record completes your record. As such, 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, and concluded your request should be denied.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

12/31/2025

