



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

█
Docket No. 3499-25
Ref: Signature Date

█
█
█

Dear █,

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 17 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 carefully considered your request to remove the non-judicial punishment (NJP) dated 18 September 2017 from your record, along with your contentions that due to negligence and errors in the legal process, your NJP was unjust. You specifically contend you were verbally threatened by the first sergeant (1stSgt) who read you your rights, that you were never advised that you could seek legal counsel, and that due to your lack of knowledge pertaining to the process and threats from the 1stSgt, you agreed to accept the NJP.

In its review of your request and all available evidence, the Board determined you have not met the burden of proof, or shown by a preponderance of the evidence, that any probable material error, substantive inaccuracy, or injustice had occurred to warrant removal of the NJP. Although the Board confirmed the unit punishment book (UPB) is missing from your Official Military Personnel File (OMPF), through your own application you supplied enough evidence to convince the Board that the NJP occurred and that you were guilty of the offense. Also, inherent in your contention that the 1stSgt threatened you, is evidence that you were administered your rights. Additionally, the Board was able to retrieve and view information from your electronic OMPF confirming that you received NJP on 18 September 2017. Convinced that the NJP had occurred, the Board found that the lack of the UPB entry does not invalidate the NJP. Regarding

the absence of the UPB from your OMPF, the Board relied on a presumption of regularity to support the official actions of public officers, and in the absence of substantial evidence to the contrary, presumed that they properly discharged their official duties. The Board found your evidence insufficient to overcome this presumption. Lastly, the Board noted the lack of timeliness of your application, which the Board opined detracted from the credibility of your request. As such, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting the corrective action you've requested. Accordingly, given the totality of the circumstances, the Board determined 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,

1/5/2026

