



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

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Docket No. 4247-25

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 14 January 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 remove your 24 October 2023 unit punishment book (UPB)/non-judicial punishment (NJP). The Board considered your contention that NJP was imposed solely due to your arrest for suspicion of driving under the influence. You believe that, since the civil court did not find you guilty, the NJP was based on an unproven allegation. You also contend NJP was imposed prior to a formal conviction, disregarded the legal standard for presumption of innocence, and should not serve as a substitute for a legal conviction. Furthermore, the presence of the NJP continues to have a negative impact on your military career, professional reputation, future opportunities for promotion, and potential reenlistment.

The Board's review confirms that the NJP is valid and was administered in accordance with the Manual for Courts-Martial. The punishment was imposed for a violation of the Uniform Code of Military Justice (UCMJ), Article 113, for the drunken or reckless operation of a vehicle. The record shows that you were advised of your Article 31, UCMJ Rights, accepted NJP, had the opportunity to consult with a military lawyer, and knowingly chose not to appeal the Commanding Officer's finding. Furthermore, you acknowledged subsequent counseling entries regarding the NJP without submitting a statement in rebuttal. The Board determined your

decision not to appeal or submit a statement indicates an understanding and acceptance of the NJP's basis.

Regarding your primary contention, the Board determined that the dismissal of civil charges does not invalidate your NJP. Military administrative actions and civil court proceedings operate under different standards of proof. For NJP, the standard is a "preponderance of the evidence," not "beyond a reasonable doubt" as required in a criminal or civil trial. The Board also determined that a NJP guilty finding under UCMJ, Article 113 does not require a civil conviction and is not considered a conviction since it is administrative in nature and "non-judicial" as its name indicates. The Board further determined your Commanding Officer acted properly and within his discretionary authority, relying on sufficient evidence, including arrest documentation, to impose the NJP.

The Board relies on a presumption of regularity to support the official actions of public officers, 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 insufficient to overcome this presumption. In conclusion, the Board found no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that 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,

1/27/2026

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