



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

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Docket No. 4332-25
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 7 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 the Final Civil Action Report (FCAR) dated 29 March 2023. The Board also considered your contentions that your case was formally closed and dismissed without a Disciplinary Review Board, charges, or disciplinary action; yet it remains in your record. You claim the FCAR does not reflect your character and it could unfairly impact your advancement despite your proven professionalism and commitment.

The Board noted the FCAR documents your arrest, on 24 September 2022, following a domestic dispute. The report indicated you were charged with violating █, █, and two counts of 273A(b), and your charges were informally diverted on 21 December 2022. The Board also noted, on 22 August 2023, the Family Advocacy Program Clinical Case Staff closed your case as "resolved;" noting that treatment objectives were met and recommending voluntarily participation in couples counseling.

The Board found that the FCAR was written and submitted pursuant to MILPERSMAN 1616-040. The regulation requires Commanding Officers to immediately notify the Navy Personnel Command (PERS-832) of incidents involving enlisted service members (E-6 through E-9) that could possibly result in disciplinary or adverse action. In civil cases where a service member is

arrested for or charged with a civil offense that would also constitute an offense under the Uniform Code of Military Justice, the Commanding Officer must submit an initial report followed by a final report when the results of the civil action is concluded.

The Board determined that your arguments lack merit and that your FCAR was properly submitted due to your arrest for a domestic dispute. The fact that your arrest did not result in charges or disciplinary action is immaterial, as the reporting requirement is triggered by the arrest itself. Furthermore, your completion of the diversion program does not negate the underlying misconduct; it simply diverted the civil charges. The Board further determined that an potential indirect negative effect of the reported misconduct is not a basis to remove the FCAR from your record. Thus, the Board concluded that there is 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,

1/20/2026

