



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

Docket No. 6176-25
Ref: Signature Date

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 29 April 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 determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove a non-judicial punishment (NJP), dated 11 March 2022, and resulting 6105 counseling entry, dated March 2022, from your Official Military Personnel File (OMPF), along with your contention that relief is warranted because your due process rights were violated when your written rebuttal to the NJP was not included in your OMPF.

The Board, however, found that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting relief. Specifically, the Board determined that although you are correct that the document you identify as your rebuttal is not in your OMPF, there is no error or injustice in its omission. Foremost, there is no right to "rebut" an NJP. There is a right, governed by Article 15 of the Uniform Code of Military Justice (UCMJ), to *appeal* an NJP. A servicemember may appeal an NJP on the basis of unjust punishment or procedural errors. Unfortunately, the document you offer as your rebuttal, is, in name, not an appeal, but also, in substance, not an appeal, as it neither addresses the nature of your punishment nor identifies any

procedural errors with the NJP process. The Board further noted, upon review of the Unit Punishment Book (UPB) entry for your NJP, that you indicated your intent *not* to file an appeal. This formal indication, along with the fact that your rebuttal in neither form, nor substance, appears to be an appeal, may explain why, even if you submitted it to your command, it was not routed up or filed in your OMPF. As such the Board found no due process violation related to your NJP. Additionally, because the counseling entry resulted from the NJP, the Board determined it also remained a valid entry in your record, documenting, along with the NJP, your admitted misconduct. For these reasons, the Board determined your request should be denied.

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,

5/8/2026

