



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

Docket No. 6187-25
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, as well as the 24 June 2025 advisory opinion (AO) provided by Navy Personnel Command (NPC), 14 July 2025 AO provide by the Bureau of Naval Personnel Office of Legal Counsel, and your response to the AOs.

The Board carefully considered your request to remove three Chief Evaluations, for the reporting periods of 16 September 2023 to 8 May 2024, 9 May 2024 to 15 September 2024, and 16 September 2024 to 25 January 2025, as well as any derogatory material related to defrocking, withholding of advancement, detachment for cause, or related administrative actions, from your Official Military Personnel File, and reinstate your rank of Logistics Specialist Senior Chief (LSCS), along with your contentions that the allegations forming the basis for the adverse administrative actions taken against you were false and invalidated by unanimous findings at an administrative discharge board (ADB), and, following the ADB, your commanding officer (CO) reinstated his recommendation for your promotion.

The Board, however, substantially concurred with the AOs in finding that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting relief. Specifically, the Board determined although the ADB found in your favor, that finding did not impact the validity of your evaluations, or any other derogatory materials related to, or resulting

from, your Commanding Investigation (CI) substantiated misconduct. The Board opined, an ADB is administrative in nature, with the fundamental purpose of determining your suitability to serve based on conduct and the ability to meet and maintain required standards of performance. It is an administrative process, not intended to overturn or invalidate other Navy procedures or administrative actions, and therefore, is not binding on your CO's authority to issue adverse evaluations or take any other steps appropriate steps, including the decision to remove your frocking and withhold advancement. In short, the ADB determined you may continue in service, but did not exonerate you of misconduct or invalidate your CO's previous actions.

Regarding your evaluations, as the AO explained, your CO may include in an evaluation comments on misconduct whenever the facts were clearly established to his satisfaction. In your case, your CO was convinced by the CI, which found, among other deficiencies, a documented pattern of your unprofessional behavior, your lack of improvement, and the negative impact of your conduct on unit moral and cohesion. The Board additionally noted you were offered non-judicial punishment (NJP) to address these findings, which included multiple violations of the Uniform Code of Military Justice (UCMJ), but you refused adjudication in this forum. Your refusal, however, did not erase the CI findings, and it was the responsibility of your CO to evaluate and comment on your performance, in your evaluations, to include the CI findings. The Board also agreed with the AO that nothing in your petition, and no other evidence shows, that your CO acted for illegal or improper purposes in issuing the evaluations, and therefore, the Board concluded the evaluations are valid and should remain in your record.

Lastly, on the matter of your CO's renewed recommendation for your promotion, as the AO explained, you unfortunately misunderstand his current recommendation for your advancement as supplanting his previous withdrawal of the recommendation for advancement. His current recommendation may open the door for future selection board consideration, but is not retroactive. For the reasons stated, 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

Executive Director

Signed by: