



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

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Docket No. 6319-25  
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 11 March 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 adverse materials from your Official Military Personnel File (OMPF) related to your non-judicial punishment (NJP), dated 9 April 2024, and reinstate you to the rank of E-5. You contend that you are currently undergoing a Medical Evaluation Board (MEB) for post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI) that occurred during the deployment in which you received the NJP, that your command at the time refused to look objectively at the circumstances, and that all of the evidence against you was hearsay or perjured statements. You additionally contend that the main charge against you at NJP related to your teammates on deployment petting your assigned military working dog (MWD) in a combat zone but that the same conduct, in relation to the same MWD, was permitted at the dog's prior assignment without resulting in disciplinary action.

After careful review, the Board found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Regarding your NJP, there is nothing in your record to indicate, nor did you provide any evidence to show, that the NJP, itself, was flawed. The Board noted that you acknowledged your Article 31 rights under the Uniform Code of Military Justice (UCMJ), accepted NJP, certified that you were given the opportunity to consult with a military lawyer, acknowledged your right to appeal, pleaded guilty, elected to

appeal your commanding officer's (CO's) finding of guilt at NJP on the basis of disproportionality of punishment vice error, and submitted an appeal, which was ultimately denied by Commander, U.S. Naval Forces Japan. The Board thus found all procedures were followed in relation to the process, and further determined your CO had sufficient evidence, acted within his discretionary authority, and conducted your NJP pursuant to the Manual for Courts-Martial (MCM). Although the Board considered your contention that that same conduct for which you were punished was permitted at the MWD's prior assignment, the Board found the evidence insufficient and the matter not relevant, as your CO's discretion was not bound by the action, or inactions, in a separate circumstance. As such, the Board concluded your NJP remains valid.

Regarding your diagnoses of PTSD and TBI, although the Board was sympathetic to your situation, it found the evidence of your diagnoses or their potential connection to your misconduct. Therefore, the Board determined this mitigation evidence was insufficient to warrant granting the relief requested. The Board opined, additional evidence, including more detailed medical documentation, may assist in achieving a different outcome.

Thus, the Board determined insufficient evidence of error or injustice exists to remove the NJP from your record or reinstate you to the paygrade of E-5. 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,

3/25/2026

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