



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

Docket No. 7276-25
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 8 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, and 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 any references to a non-judicial punishment (NJP), dated 24 January 2024, and your failure to promote, from your Official Military Personnel File (OMPF). You additionally requested reinstatement of promotion to the rank of Gunnery Sergeant (GySgt). You contend that you were wrongfully punished for an extramarital affair despite being legally separated at the time, and the existence of the NJP and promotion denial unfairly damage your professional record and career progression while contradicting the documented facts of your personal circumstances at the time.

The Board, however, found that you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Rather, the Board found your NJP was valid, noting that it properly addressed your violation of Article 134 of the Uniform Code of Military Justice (UCMJ). You were afforded Article 31b rights, accepted NJP, certified you were afforded the right to consult with counsel, acknowledged your right to appeal, and elected

not to appeal the finding of guilt. The Board additionally noted that, in order for legal separation to constitute a defense to a violation of Article 134, it must be ordered by a court. Unfortunately, the [REDACTED] does not recognize "legal separation" as a court-ordered status and, therefore, this defense to an Article 134 violation does not exist for your case. Based on the Board's determination that your NJP remains valid, the Board found no basis to grant your requests related to your revocation of selection to E-7.

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,

4/23/2026

[REDACTED]