



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

██████████
Docket No. 8551-25
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 20 May 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 3 September 2025 Advisory Opinion (AO) provided by Navy Personnel Command, Enlisted Career Progression (PERS-803) and the 9 October 2025 AO provided by the Bureau of Naval Personnel, Office of Legal Counsel (BUPERS-00J). The AO's were provided to you on 3 December 2025, and you were given 30 days in which to submit a response. Although you were afforded an opportunity to respond, you chose not to do so.

The Board determined a 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 reinstate your rank of First Class Petty Officer, retroactive to 24 February 24, along with your contention that an administrative issue unjustly prevented your reinstatement package from being reviewed, as, despite assurances to you that the process was ongoing, the package was never submitted, hindering your career progression and, thus, denying you reinstatement opportunities.

The Board, however, substantially concurred with the AO's in finding you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. As the AO's explained, your reduction in rank resulted from being found guilty at non-judicial

punishment (NJP) of harassment, including sexual harassment, which was previously substantiated by a command investigation (CI). Although you pled not guilty at NJP, you did so after exercising your right to consult legal counsel and choosing to accept NJP. You additionally exercised your right to appeal the NJP. Your appeal was reviewed by Commander, Navy Personnel Command (NPC), and denied. Shortly after this denial, you requested that the Chief of Naval Personnel (CNP) remove, suspend, or mitigate the NJP. Similar to your contentions before the Board, you claimed the NJP was a clear injustice resulting from an unthorough investigation. However, this request was reviewed and also denied. Over a year later, you submitted an Exception to Policy (ETP) request to your Commanding Officer (CO), requesting reinstatement to the rank of (E-6). On 30 December 2024, you also requested that your CO set aside your NJP, or in the alternative, restore your rank. Although your CO endorsed your ETP request, recommending approval, BUPERS-00J, in its AO, makes clear that MILPERSMAN 1430-020, the governing instruction for ETP requests, precludes reinstatement of rank for sailors found guilty and reduced at NJP for more than one charge or more than one specification of sexual harassment. You were found guilty at NJP of two specifications of Article 92 of the Uniform Code of Military Justice (UCMJ), one of which was for making unwanted sexual advances (sexual harassment) towards a Petty Officer Third Class on divers (or multiple) occasions. Therefore, the AO determined, and the Board agreed, you were not eligible for the ETP. Furthermore, MILPERSMAN 1430-020 requires a CO who supports reinstatement of rank for a sailor to submit his endorsement of the request to NPC (PERS-80). However, as you state in your contentions, your CO did not do this. The Board concluded this decision by your CO was not an “administrative issue,” as you contend, but your CO’s choice. For these reasons, the Board concluded insufficient evidence of error or injustice exists to warrant reinstatement of your paygrade to E-6.

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,

6/5/2026

