



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

Docket No. 8699-25
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.

Because your application was submitted with a new contention, not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 20 May 2026. The names and votes of the panel members 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 the 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 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.

You previously petitioned this Board to set aside a non-judicial punishment (NJP), dated 4 December 2019, from your Official Military Personnel File (OMPF), with restoration of pay and allowances. You also requested removal of an adverse fitness report covering the period of 10 April 2019 to 4 December 2019, removal of all related adverse counseling entries, and promotion to E-7, effective 1 February 2020. On 8 April 2021, the Board denied your request due to insufficient evidence to warrant relief. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

In your current application to this Board, you now contend that, following the Board's previous denial, you requested copies of the investigative documents related to your case, including the preliminary investigation (PI) and Inspector General (IG) documents, but were told they had been destroyed in accordance with SECNAVINST M-5210.1 and SSIC 5830.2. You claim the

copy of the PI to which you do have access is heavily redacted, withholding substantive information you believe you are entitled to receive. You further contend the destruction of the PI permanently harms your ability to review witness identities, assess credibility, or identify exculpatory statements. For these reasons, you contend the relief you previously requested is warranted.

The Board, however, found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Rather, the Board determined the documents you requested were properly destroyed, in accordance with records management requirements. The Board additionally noted your four-year delay between the Board's original denial of relief and your Freedom of Information Act (ROIA) request for copies of these documents. Thus the Board found no error or injustice with the fact the documents were destroyed during your lengthy delay. Therefore, the Board affirmed its previous decision that insufficient error or injustice exists to warrant set aside your NJP, removal any associated derogatory materials from your record, or reinstate your paygrade 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,

6/5/2026

