



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

██████████
Docket No. 1462-26
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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 19 February 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 requests to remove the 14 January 2010 non-judicial punishment (NJP) from your Official Military Personnel File (OMPF), remove or correct all adverse entries associated with the NJP, and correct your OMPF to reflect the award of the Navy and Marine Corps Achievement Medal (NAM). You contend that the NJP resulted from retaliatory and procedurally unfair actions following your protected report of sexual harassment, that the NJP continues to cause lasting profession harm, and that correction is necessary to ensure your record accurately reflects your service.

After careful review, the Board found you did not demonstrate probable material error, substantive inaccuracy, or injustice warranting the relief requested. Regarding your NJP, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Unfortunately, because the only evidence you provided to refute the validity of the NJP was your own account of events, the Board found your evidence insufficient to overcome this presumption. The Board additionally noted you did not provide evidence that you objected to, or attempted to appeal, the NJP at the time of issuance, and found no record of appeal in your OMPF. Regarding your contention that you were the victim of retaliation, the Board, again, determined there was insufficient evidence to conclude your NJP

resulted from retaliation. In making this determination, the Board noted there was no evidence, other than your statement, that the NJP was retaliatory. Lastly, regarding your request that your OMPF reflect award of a NAM, because the only evidence supporting your contention is your own statement, the Board found the evidence insufficient to warrant the relief requested. Unfortunately, whether or not your NAM was approved, the Board concluded a personal decoration may later be disapproved for any number of reasons prior to issuance, including a service member's receipt of NJP. Regardless, the Board found no evidence in your record to support your contentions. Should you procure additional evidence supporting your contentions, the Board encouraged you to apply for reconsideration. However, based on your existing record and evidence provided, the Board found your application did not meet the burden of proof or show by preponderance of the evidence probable material error, substantive inaccuracy, or injustice exists to merit any change to your record. Accordingly, given the totality of the circumstances, the Board determined your request does not merit relief.

The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC § 1034. 10 USC § 1034 provides the right to request Secretary of War review of cases with substantiated reprisal allegations where the Secretary of the Navy's follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with DoW policy you have the right to request review of the Secretary of the Navy's decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the Secretary of the Navy acted arbitrarily, capriciously, or contrary to law. This is not a de novo review and under 10 USC § 1034(c) the Secretary of War cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of War for Personnel and Readiness (USW(P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your BCNR application and final decisional documents; and a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the BCNR; therefore, please also include previously presented documentation that supports your statements.

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,

3/9/2026

