



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 4130-10
31 October 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 2011. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 27 June 2002 after more than fifteen years of prior honorable service. On 12 October 2006, you were counseled regarding two instances of failure to obey a lawful order and two instances of disrespect toward a superior commissioned officer and warned that further offenses could result in administrative separation. On 9 April 2007, you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment awarded was reduction in paygrade to E-4 and restriction and extra duties for a period of 21 days, with suspension of the restriction and extra duties.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of more than fifteen years of honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the NJP. The Board concluded that sufficient evidence existed to support the commanding office's decision to impose

NJP. Finally, no NJP is removed from a record merely because of the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously 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,


W. DEAN PFEIFFER
Executive Director