



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

CRS
Docket No: 4290-10
22 September 2010

[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 22 September 2010. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.


The Board found that you enlisted in the Navy on 17 October 1996. On 4 September 2009 you received nonjudicial punishment for allowing a liberty risk individual to drink when on liberty and under your supervision. The punishment consisted of restriction for 60 days, forfeiture of one-half months pay for two months, suspended one-fourth months pay for two months and reduction in rank, suspended for six months.

The Board found no merit in the argument you made in support of your request to remove the nonjudicial punishment. It concluded that your commanding officer acted reasonably in your case and that he was in the best position to resolve the factual issues and to impose appropriate punishment. In addition, there is no credible evidence that you did not commit the charged offense as you pleaded guilty to the offense. 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