



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

BJG  
Docket No: 7500-10  
30 March 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 29 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

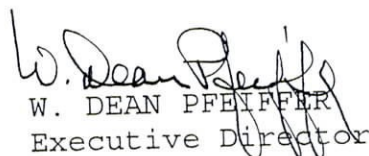
You received nonjudicial punishment (NJP) on 17 May 2000 for failure to obey a lawful order by grabbing a recruit and pulling him out of a portable toilet. You were awarded a forfeiture of pay, restriction, and extra duty. You did not appeal.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your allegation that the NJP was removed from your service record book (SRB) by

"administrative actions." However, the Board concluded that you have failed to prove an error or injustice in the NJP remaining in your official military personnel file. The Board particularly noted that you did not appeal the NJP and did not provide proof of the "administrative actions" used to remove it from your SRB. In view of the above, 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 PFENFFER  
Executive Director