



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

SJN
Docket No: 07101-11
7 July 2011

[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 6 July 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.

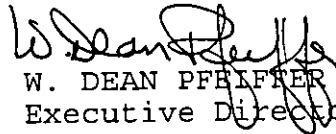
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your record is incomplete, but the Board found that you received three nonjudicial punishments (NJP's), one of which was for failure to obey a lawful order, assault, and disorderly conduct, drunkenness. You received restriction, extra duty, and a forfeiture of pay. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action after your second NJP.

The Board concluded that, in each of your NJP's, your commanding officer's decision to impose it was appropriate, and administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP's is not warranted, and that such action would be unfair to your peers, against whom you will compete for promotions and assignments. Further, you are advised that there is no provision of law or in Navy regulations that directs the removal of NJP entries from official records simply because the commanding officer or servicemember has transferred from a command. 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