



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

REC
Docket No: 07134-11
26 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 20 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.

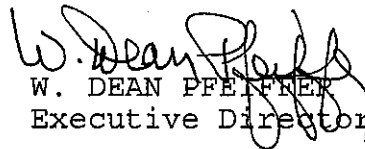
You entered active duty in the Navy on 1 September 1994, and served honorably until 17 November 2009, when you received nonjudicial punishment (NJP) for making false official statements, larceny in the amount of \$4,200, and conduct being unbecoming an officer. On 18 November 2009, you received a punitive letter of reprimand. On 23 November 2009, you informed your chain of command that you had no intention of appealing the NJP. On 8 December 2009, you submitted a statement to the Bureau of Personnel, in which you humbly apologized for your violations of the Uniform Code of Military Justice and stated that there was no excuse for your action.

In its review of your application, the Board considered all mitigating factors, such as your overall record of service. However, the Board found these factors were insufficient to warrant removing your NJP and all derogatory material. The Board concluded that your commanding officer's decision to impose this NJP was appropriate and that it was administratively and procedurally correct as written and filed. The Board further

concluded that removal of the NJP or modification of the charge was not warranted. The Board thus concluded that there was no error or injustice in your NJP. 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