



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 6050-12
18 July 2012

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 17 July 2012. The names and votes of the members of the panel will be furnished upon request. 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 in November and December 2011 you were convicted by general court-martial (GCM) of two specifications of failure to obey a lawful order by engaging in two personal unduly familiar relationships with no respect to the differences in paygrade or rank, two specifications of making false official statements with the intent to deceive by saying that a lance corporal had never been to your house and claiming that you were only a professional mentor to a lance corporal, and obstructing justice by wrongfully endeavoring to impede an investigation by sending a text message to a lance corporal telling her not to discuss you during her interview. You were sentenced to a reduction to paygrade E-5, restriction for 60 days, and hard labor for 90 days. As a result of the GCM, you were also counselled (issued a page 11 warning) and received an adverse fitness report.

The Board has no authority to consider contentions pertaining to improprieties in courts-martial and must limit its review to determining whether the sentence should be modified as a matter of clemency. With that being said, the Board concluded that your

commanding officer's decision to convene a GCM and the sentence thereto, was appropriate, and that it was administratively and procedurally correct as written and filed. Accordingly, your application has been denied.

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 PFELFFER
Executive Director