



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

TAL
Docket No: 10422-12
28 November 2012

[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 15 November 2012. 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 enlisted in the Navy and began a period of active duty on 29 October 1999 at age 27. On 7 February 2011, you received nonjudicial punishment (NJP) for two instances of failure to obey a lawful general order by violating the sexual harassment policy. The punishment awarded was restriction, a forfeiture of pay and reduction in paygrade to E-5. You were advised of your right to appeal the punishment. On 11 February 2011, you did file an appeal and on 18 February 2011, your appeal was denied.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the NJP. The Board concluded that sufficient evidence existed to support the commanding officer's decision to impose NJP. Finally, no NJP is

removed from a record merely because of the passage of time. 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,

A handwritten signature in cursive script, appearing to read "Brian George".

BRIAN J. GEORGE
Head Discharge Section