



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

HD

Docket No: NR7395-13

11 April 2014

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[REDACTED]

Dear Petty Officer [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.

You requested modifying the enlisted performance evaluation report for 1 March 2006 to 15 March 2007 by removing, from section 43 ("Comments on Performance"), the following:

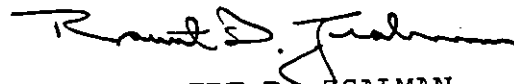
\*36- Plead [sic] guilty to charges of arson of his POV [privately owned vehicle] and insurance fraud. Awarded 5 years probation, community service and monetary fine in civil court on 16Feb07. His actions were a result of financial hardship due to support of several displaced family members following hurricane Katrina. This event was entirely inconsistent with his character and he readily admitted responsibility/fully cooperated with authorities throughout.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 April 2014. 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 and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 25 October 2013, a copy of which is attached.

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. In this connection, the Board substantially concurred with the advisory opinion. 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,



ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure