



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

SJN
Docket No: 11597-14
23 March 2015

[REDACTED]

Dear [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 3 March 2015. 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.

On 1 March 2014, you were arrested by civil authorities for driving under the influence (DUI) of alcohol. On 21 March 2014, you received nonjudicial punishment (NJP) for DUI. The Board found that on 16 July 2014, civil authorities found you not guilty and directed stated that you were entitled to have all records relating to your DUI expunged and destroyed from the state of South Carolina. However, this dismissal was in no way related to the NJP you received from your commanding officer (CO) on 21 March 2014. Additionally, it is important to keep in mind that the NJP and civil actions were two separate fact finding processes, and the decision of the latter does not cancel out the finding of the former. Your CO's decision to impose NJP was appropriate, and is administratively and procedurally correct as written and filed. The Board further concluded that the removal of the NJP is not warranted, and that such action would be unfair to your peers, against whom you will compete for promotions and assignments. Finally, the Board also noted that you accepted NJP and did not appeal the finding of guilt. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 "R. J. O'Neill", written in dark ink.

ROBERT J. O'NEILL
Executive Director