



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

SJN  
Docket No: 11993-14  
13 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. 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. The Board also considered your counsel's addendum dated 7 September 2011 with enclosure

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.

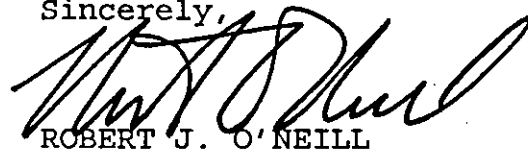
The Board found that, as a result of an Inspector General (IG) investigation, that you were involved with two substantiated allegations of creating a hostile work environment. On 16 January 2014, you received nonjudicial punishment (NJP) for creating a hostile working environment predicate on fear and abusive comments that was prejudice to good order and discipline. You received a letter of reprimand. On 24 January 2014, you submitted an appeal of your NJP, via your commanding officer (CO), that was denied on 24 March 2014. On 4 April 2014, a report of the NJP was forwarded to Commander, Navy Personnel Command (NPC) with a recommendation that you be detached for cause, and show cause for retention in the Navy. On 23 October 2014, NPC determined that there was sufficient evidence of record to require you to show cause for retention. Subsequently, administrative separation action was initiated, and your case was presented to a Board of Inquiry (BOI). The BOI found by a vote of three to zero, that you had committed misconduct, and although

the reason was supported by evidence, found that there was not sufficient evidence to recommend your separation from the Navy. As a result of the BOI's decision you were retained in the Navy and informed that your case would be filed in your official records.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, especially your contention that you did not commit misconduct, the BOI's findings and recommendation, and character letters. Nevertheless, the Board concluded these factors were not sufficient to remove or set aside the NJP from your official records, given the IG investigation, and the reasons set forth in your CO's endorsement of 13 February 2014 on your appeal. The Board found that the CO's decision to impose NJP was based on facts and circumstances surrounding the incident, and that his decision to impose NJP was appropriate, and it was administratively and procedurally correct as written and filed. The Board further concluded that the removal of your NJP is not warranted, and that such action would be unfair to your peers, against whom you will compete for promotions and assignments. 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,



ROBERT J. O'NEILL  
Executive Director