



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

EGA  
Docket No: 12481-14  
1 May 2015

Dear [REDACTED]:

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 22 April 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.

In regard to your request for a personal appearance, be advised that Board regulations state personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

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 23 November 2004. You served without disciplinary incident until 12 February 2014, when you received nonjudicial punishment (NJP) for failure to obey an order and false official statements. As a result, you were awarded a punitive letter of reprimand and reduction in rank to the next inferior grade. The

reduction in rank was suspended for six months. You were advised of your right to appeal within five days, but chose not to appeal the punishment. Nonetheless, you have continued your service obligations without additional disciplinary incidents.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your satisfactory service, desire to remove the NJP, allegations of being wrongfully punished under the Uniform Code of Military Justice (UCMJ), and your assertion of temporary mental health problems as a reason for your inability to defend against the charges. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because no error or injustice was identified during the administration of your NJP. Concerning your assertion of a temporary mental health problem, there is no evidence in the record, and you submitted none to substantiate your claim. 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 within one year from the date of the Board's decision. 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