



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 3649-02
11 September 2002

[REDACTED]

[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 4 September 2002. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 29 July 1994. The record reflects that on 3 April 1996 you received nonjudicial punishment (NJP) for an unauthorized absence of two days. On 15 April 1996 you received NJP for an unauthorized absence of a day. The punishment imposed consisted of restriction and extra duty for ten days. You received a third NJP on 27 June 1996 for offenses against or by a sentinel. The punishment imposed consisted of a forfeiture of \$200 and restriction and extra duty for 45 days. On 8 September 1997 you were reenlisted in the Regular Navy.

The Board noted your contention, in effect, that the punishment was too harsh at the NJPs of 15 April and 27 June 1996, but found it insufficient to warrant removal of these NJPs. In this regard, the Board presumed that the commanding officer acted reasonably in each case in concluding, based on the evidence before him, that you committed the foregoing offenses. The Board concluded that the commanding officer was in the best position to

resolve the factual issues and to impose punishment. 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,

W. DEAN PFEIFFER
Executive Director