



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

■
Docket No: 1424-21
Ref: Signature Date



Dear ■

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 24 March 2021. The names and votes of the panel members 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 the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Navy and began a period of active duty on 8 August 2011. On 5 September 2014, you received non-judicial punishment (NJP) for failure to obey a lawful order or regulation. Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file (OMPF).

Your Certificate of Release or Discharge from Active Duty (DD Form 214) reveals that you were separated on 9 April 2015, with a general (under honorable conditions) characterization of service, your narrative reason for separation is "Condition, Not a Disability" your separation code is "KFV," and your reenlistment code is "RE-3G."

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and your assertion that your desire for an upgrade of your character of service is to assist you in obtaining benefits you are due in the state of Nevada. You further state, you were discharged for medical reasons, and

therefore, there is no reason why you should not have an honorable discharge.

The Board noted you did not submit any documentation or advocacy letters to be considered in support of your petition. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary (as is the case at present), will presume that they have properly discharged their official duties. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

4/5/2021

Executive Director

Signed by