



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

█  
Docket No. 2652-21  
Ref: Signature Date

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Dear Petitioner:

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your applications on 4 November 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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, 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 U.S. Navy and began a period of active duty on 21 November 1988. On 24 June 1992, you were selected to advancement to AME2/E-5 from participation in the March 1992 Cycle 135 Navy-wide examination and subsequently frocked to that rate/grade. On 20 November 1992, you reenlisted for four years. On 16 December 1992, you were advanced to the rank/grade of AME2/E-5. On 27 December 1995, you received nonjudicial punishment (NJP) for thirty-nine specifications of making, drawing, or uttering checks, drafts, or orders without sufficient funds. The punishment imposed was a reduction in rate/grade to AME3/E-4 and thirty days of restriction. You were discharged on 19 November 1996 with an Honorable characterization of service at the completion of your required active service.

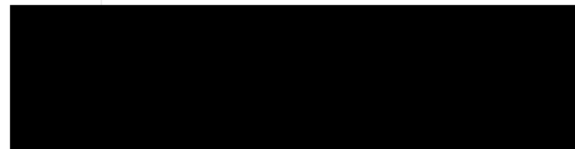
The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to be reinstated to the highest grade of E-5 based on your contentions that you received an honorable discharge, served your time, and satisfied all

requirements of lawful orders. You assert that any time served has been honorable and worthy of reinstatement to your prior paygrade of E-5. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct outweighed these mitigating factors and your reduction in rank at NJP was appropriately awarded. 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,

11/24/2021

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Deputy Director

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