



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

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Docket No. 3012-21
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 application on 18 November 2021. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to remove the administrative remarks (Page 13) entry issued 8 October 1999 regarding failure to disclose basic eligibility information. The Board considered your contention the Page 13 is in error because you disclosed, and even introduced, your fiancé to your recruiter prior to enlisting in the delayed entry program (DEP) on 24 August 1999. You further contend that, upon your return on 7 October 1999, when you were discharged from DEP and enlisted in the Regular Navy, you showed the marriage documentation to the recruiter. The Board also considered your contention you were forced to sign the Page 13 entry at Recruit Training Command because the "NCC [used] his institutional knowledge against an 18-year old with no one on his side." Lastly, the Board considered your contention this is the "very first record" when one reviews your record, and its inclusion in your record has "damaged [you] when it comes to board reviews because "first impressions have psychological impact."

The Board, however, noted the Page 13 references both your “dependent spouse” not being documented but also “missing documents (SF 86).” Although the record reflects you listed a spouse on your Record of Emergency Data (DD Form 93) signed 7 October 1999 and, on subsequent Record of Emergency Data (NAVPERS 1070/602R) entries, reflects that your date of marriage was 01 October 1999, there is insufficient evidence to support your contention the Page 13 should be removed because there is no explanation for the “missing documents (SF 86)” which is also noted on the entry. The Board concluded there was insufficient evidence of an error or injustice in your record warranting your requested 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,

11/29/2021

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Executive Director

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