



August 2013, you submitted a Qualified Resignation Letter on 26 August 2013. The Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved your resignation and directed your separation with an Honorable characterization of service due to misconduct on 28 January 2014. Accordingly, you were discharged from the Navy on 7 March 2014. Despite finding that your DFC and separation proceedings were proper, based on your outstanding in-service conduct and length of service, the Navy Discharge Review Board changed your narrative separation to "Secretarial Authority" on 26 August 2019.

The Board carefully considered your request to remove all adverse documentation regarding the 2012 incident from your official military personnel file (OMPF), to include the NJP of 27 August 2012, PLOR of 30 August 2012, Report of NJP of 10 October 2012, and Detachment for Cause of 31 May 2013. You contend that the adverse documentation is erroneous and unjust because the command did not follow the correct administrative reporting process detailed in MILPERSMAN 1611-010. Specifically, you argue you were not sent the 31 May 2013 from NPC stating that your DFC had been approved and you did not receive the Administrative Separation Notification Letter dated 14 June 2013 from NPC until 23 August 2013. You contend that you were unjustly denied the opportunity to submit a letter advocating for your retention in the United States Navy and that the decision to administratively separate you based on one incident during your first tour was unduly harsh.

The Board noted there is no substantial evidence that your DFC was improper; as there is no credible evidence that you were not notified of Naval Personnel Command's approval of your DFC. Your statement alone does not overcome the presumption of regularity. The 31 May 2013 letter was sent to the [REDACTED], but it was also copied to your official personnel record. In addition, the 14 June 2013 letter notifying you of administrative proceedings was also copied to your official personnel record. Moreover, the Board noted that you were aware that your CO recommended in the Report of NJP that you be detached for cause and required to show cause for retention. Further, the Board noted that your CO deemed the misconduct severe enough to warrant a recommendation for separation and higher command concurred. Finally, the Board took into consideration that you submitted a resignation request, while acknowledging your rights, after being notified of administrative separation processing. In the Board's opinion, you were provided the opportunity to contest these matters while on active duty but chose not to do so. Consequently, the Board determined that there was no material error or injustice regarding the Detachment for Cause and subsequent administrative separation and concluded that all adverse documentation shall remain in your record. In making this finding, the Board weighed the fact you already received a measure of relief from the NDRB that addressed any injustice issues related to your complaints of delayed notification.

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,

2/10/2022



Executive Director

Signed by:

