



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

█
Docket No: 3806-21
7035-20
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your husband's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your husband's 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel, sitting in executive session on 2 July 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 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 request an upgrade to your husband's characterization of service as a matter of clemency based on his youth, intimidation by his family members to enlist, and other personal problems. You presented statements regarding the events leading up to your husband's discharge from naval service. Additionally, you contend your husband did not commit armed robbery as stated in your notification letter for docket number NR20200007035 dated 25 January 2021. Your notification letter for docket number NR20200007035 erroneously reflects your husband received a civil conviction for armed robbery, however, the record reflects your husband received a civil conviction for grand larceny. After careful consideration of all new evidence, the Board determined that the evidence that you provided, even though not previously considered by the Board, was insufficient to establish the existence of probable material error or injustice.

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,

7/12/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]