



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

█
Docket No. 3860-21
Ref: Signature Date

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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 7 October 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. In addition, the Board considered the advisory opinion contained in Navy Personnel Command memorandum 1430 PERS 8031/0166 of 6 July 2021 and your response to the opinion.

You requested that your DD Form 214, Certificate of Release or Discharge from Active Duty dated 14 January 2021 reflect the rank/paygrade of Culinary Specialist (Submarine) Seaman (CSSSN)/E-3 and receipt of associated back-pay. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were reduced in rank to CSSSA/E-2 effective 28 February 2020. On 7 November 2020 and 9 November 2020 you received administrative counseling for being absent from duty and wrongful appropriation. These counseling's occurred prior to the completion of 9-months time in rate of CSSSA/E-2. On 23 November 2020, a Preliminary Inquiry was initiated by your Commanding Officer due to suspicion of your violation of Articles 86 and 121 of the Uniform Code of Military Justice. On 16 December 2020, you were notified and acknowledged receipt of the Commanding Officer's initiation of administrative separation proceedings for separation by reason of misconduct – commission of a serious offense. On 13 January 2021 you were issued BUPERS Order 0131, Official Separation Orders and were discharged effective 14 January 2021 in the rank/paygrade of CSSSA/E-2, Characterization of Service Under Honorable Conditions (General); narrative reason for

separation Misconduct – Serious Offense. Commanding Officers and Officers in Charge have discretionary authority to effect authorized advancements of members who are in a disciplinary status. The Board could not find, nor did you provide evidence that your Commanding Officer recommended you for reinstatement. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

11/4/2021

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Deputy Director
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