



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: 5858-21
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 3 November 2021. The names and votes of the panel members 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 enlisted in the Navy on 27 February 1998. According to the information in your record. Presumably, at an unidentified time, you received a medical examination, which determined you were pregnant. On 9 January 1998, you appointed your child's grandmother as her legal guardian. At an unidentified time, the child's grandmother was unable to continue being her legal guardian. As a result, your command officer (CO) initiated administrative separation procedures. Although the Board lacked your entire service record, the Board relied on a presumption of regularity in considering that you were notified of the recommendation that you be discharged by reason of parenthood. After you waived your rights, your CO forwarded your package to the separation authority (SA) recommending your discharge by reason of parenthood, with an honorable characterization of service. The SA approved the recommendation, and on 2 February 1999, you were so discharged.

As stated previously, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to rebut the presumption, to include evidence submitted by the Petitioner, the Board presumes that you were properly discharged from the Navy.

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 change your narrative reason for separation and contentions that your grandmother was unable to continue guardianship of her daughter, you were not given an opportunity to find another guardian, you were not given any support from your command, and you were without any benefits after discharge.

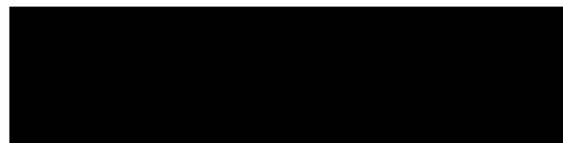
The Board noted that there is no evidence in your record, and you submitted none, to support your contentions. The Board also noted that based on the separation authority and separation code on your Certificate of Release or Discharge from Active Duty (DD Form 214), you received the correct narrative reason for separation based on your inability to provide a family care plan or guardianship for your daughter. Lastly, the Board noted whether or not you are eligible for Department of Veteran Affairs (DVA) benefits is a matter under the cognizance of the DVA, and you should contact the nearest office of the DVA concerning your right to apply for benefits.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that you missing/incomplete records and your failure to provide documentation to support your request outweighed these mitigating factors. 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,

11/12/2021

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Executive Director

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