



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 upgrade your discharge and your contention that the Department of Veterans Affairs (DVA) determined your military service was honorable for the time you served in the Navy. The Board noted that there is no evidence in your record, and you submitted none, to support your contention. The Board also noted that the DVA only has the authority to determine your eligibility for DVA benefits and their decision does not have the authority or ability to change your naval record.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your incomplete/missing record, your failure to provide supporting documentation, and request for a GOS discharge 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,

11/29/2021

Executive Director