



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

█  
Docket No. 6990-21  
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 24 March 2022. 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.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board carefully considered your request to correct your record by changing your Certificate of Release or Discharge from Active Duty (DD Form 214) to reflect you were discharged as a Third Class Petty Officer/E-4. Specifically, you contend you were frocked to E-4 when you received nonjudicial punishment on 14 July 1992, which reduced you in rank to E-1. You further contend you were able to "regain" E-3 in a short amount of time and passed all of the subsequent E-4 exams, but, because of your weight control problems, you weren't recommended for advancement.

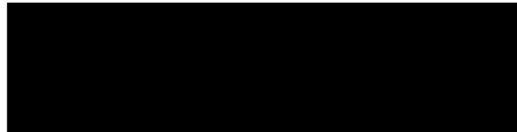
The Board carefully considered your request for relief. The Board reviewed the documents but determined the submitted evidence is insufficient in establishing a material error or injustice warranting an adjustment to your rank. Based on your admission that you were not

recommended for advancement due to weight control issues, the Board concluded there was no basis in regulation to advance you to E-4. Additionally, the Board concluded the circumstances of your case did not constitute an injustice. Accordingly, the Board concluded there was insufficient evidence of an error or injustice warranting your requested 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,

4/7/2022

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Executive Director

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