



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: 7060-21
3368-21
9892-15
Ref: Signature Date



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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 2 March 2022. 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).

In reviewing your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Wilkie Memo. Accordingly, the Board carefully considered all potentially mitigating factors, such as your desire to upgrade your discharge character of service and submission of supporting documentation. The Board also considered your statement that you would like the Board to consider that you completed your first term of service without any military infractions and that you were an upstanding Sailor who met the standards of the Navy.

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as

evidenced by your four NJPs of which one included the wrongful use of a controlled substance, outweighed these mitigating factors.

In your statement you state that you “completed your first term of service,” as previously noted and expressed to you, your record does not reflect you reenlisted into the Navy to have a second term of enlistment and you have not provided any evidence to support this claim. The Board noted that your Certificate of Release or Discharge from Active Duty (DD Form 214), states that on 14 January 1991, you were granted an extension of your enlistment for a period of 26 months. This enlistment began on 9 February 1987.

Additionally, the Board viewed your submission of supporting documentation, and after careful and conscientious consideration of your documentation and the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. 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,

3/15/2022

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Executive Director
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