



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. 1484-22
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 9 June 2022. The names and votes of the members of the panel will be furnished upon request. Your allegations of 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 that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

Although you did not specify which evaluations were affected, the Board carefully reviewed your request to review your record for changes made to your evaluations that you assert were modified to make it look like you were not doing your job. You further assert that the Chief Engineer gave you good evaluations but an E-7 made changes and sabotaged your career. The Board further took into consideration your contention that you were told you would get a dishonorable discharge if you did not sign the new or changed evaluations.

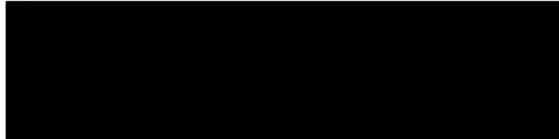
The Board, however, determined that your contentions are without merit. In this regard, after a thorough review of your records, the Board noted that you were discharged by reason of frequent involvement of a discreditable nature based on substantial evidence, and concluded there was insufficient evidence of an error or injustice. Furthermore, the Board noted that your record was

reviewed by the Naval Discharge Review Board, who concluded that you provided no evidence in support of your contentions and directed no change to your discharge. As such, the Board found no evidence in your record to support your allegations. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Given the presumption of regularity, the Board concluded you did not provide sufficient evidence to rebut the presumption that your evaluations were wrongfully changed. 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,

7/1/2022

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Executive Director

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