



**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: 1558-22

Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 28 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, 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 Army and began a period of active duty on 18 October 1967. On 30 May 1969, you were honorably discharged from service. On the same date, you received and signed an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) reflecting a date of birth of 26 January 1948. On 10 September 1969, you enlisted in the Marine Corps and began a period of active duty service. On 9 March 1971, you were honorably discharged from service. On the same date, you received and signed a DD Form 214 reflecting a date of birth of 26 January 1948. On 29 September 1971, you enlisted in the Army and began a period of active duty. On 2 April 1973, you were administratively separated from service with an other than honorable characterization of service. On the same date, you received and signed a DD Form 214 reflecting a date of birth of 26 January 1948. On 4 August 1976, you enlisted in the Navy and began a period of active duty. On 13 April 1977, you were discharged from the Navy with a general discharge characterization of service. On the same date, you received and signed a

Report of Separation from Active Duty (DD Form 214) reflecting a date of birth of 31 January 1950.

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 contention that your date of birth on your DD Form 214 is incorrect. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board concluded it lacked sufficient evidence to determine your correct date of birth based on the evidence in your record and application. In making this determination, the Board noted that you did not submit a certified copy of your certificate of birth to be considered. Further, the Board considered that multiple documents in your military record reflect different birthdates, however, none reflect the date you assert is your correct birthdate. 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 the 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,

4/12/2022

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Executive Director

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