



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. 1733-22
Ref: Signature Date

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Dear █

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 12 May 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. In addition, the Board considered the advisory opinion by Navy Personnel Command memorandum 1070 PERS-312/DV of 18 March 2022 and your response to the opinion.

In accordance with BUPERSINST 1900.8B of 10 May 2005. Certificate of Release or Discharge from Active Duty (DD Form 214) will be issued to the following personnel: DD Form 214 will be prepared and issued at time of release to those midshipmen and cadets, including those serving concurrently as enlisted members, at Naval Academy, Air Force Academy, Coast Guard Academy, or the Military Academy, released per articles 1910-184 and 1531-020 of NAVPERS 15560D.

In accordance with MILPERSMAN 1910-184 of 22 August 2002. Provisions of this article govern disposition of enlisted members of the regular Navy or Naval Reserve appointed to the Military Academy, the Air Force Academy, or the Coast Guard Academy.

In accordance with MILPERSMAN 1531-020 of 21 April 2006. This article governs the disenrollment of all United States (U.S.) citizens appointed as midshipmen at the Naval Academy. Four types of disposition are possible upon disenrollment from the Naval Academy. Disenrollment is authorized by letter from Secretary of the Navy (SECNAV), or as prescribed by

SECNAV, or designed in appropriated regulation, as follows: Discharge from the Naval Service, provided the midshipman is determined to be in one of the following categories: (1) Entered the Naval Academy from civilian status and is dis-enrolled prior to commencement of Second Class Academic Year. Furthermore, dis-enrolled midshipmen separated from Naval Service shall be processed under the following procedures: If the midshipman is being dis-enrolled from the Naval Academy, then prepare letter authorizing separation.

On 29 June 2005, you were admitted to the U.S. Naval Academy. On 18 August 2006, you voluntarily resigned. Furthermore, you were issued a DD Form 214 stating you were honorably discharged from the U.S. Naval Academy due to failure to complete a course of instruction.

You requested correction to your dates of service on your DD Form 214; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that you were erroneously issued a DD Form 214 upon your discharge. BUPERSINST 1900.8B authorizes issuance of DD Form 214 to a Midshipman upon separation from the U.S. Naval Academy discharged under article 1910-184 and 1531-020 of NAVPERS 15560D. Although you were discharged under article 1531-020, a letter authorizing separation is what was directed to be issued upon your discharge due to your dis-enrollment. In this connection, the Board substantially concurred with the comments in the advisory opinion.

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,

6/13/2022

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Deputy Director

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