



Board noted you did not provide supporting documentation describing post-service accomplishments, or advocacy letters.

The Board noted that the DVA only has the authority to determine your eligibility for DVA benefits and their decision does not have the authority or ability to change your naval record.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your SPCM conviction, outweighed the mitigating evidence in your case. Additionally, absent a material error or injustice, the Board declined to summarily upgrade a discharge based solely on the decision of the DVA to change your discharge to an OTH discharge. The Board noted whether or not you are eligible for an increase to your DVA benefits is a matter under the cognizance of the DVA, and you should contact the nearest office of the DVA concerning your right to apply for an increase. As a result, the Board concluded that your conduct was a significant departure from that expected from a Sailor and continues to warrant a BCD. After applying liberal consideration, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or granting clemency in the form of an upgraded characterization of service. 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,

5/31/2022

█

Executive Director

Signed by: █