



**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: 4537-22  
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 interests 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 25 July 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).

On 13 December 2001, you enlisted in the Navy Reserve. On 12 January 2002, you signed a statement of understanding (SOU) delineating your responsibilities in participating in the Government Travel Charge Card Program (GTCC). On 8 June 2003, you signed a second SOU again acknowledging the requirements of the GTCC. On 17 September 2003, you were authorized assignment in a pay status. On 6 June 2004, you successfully completed the Department of the Navy Travel Card, Cardholder Course. On 4 February 2005, a memorandum of delinquent GTCC payment notified you that your government travel card account was over 30 days delinquent in the amount of \$1,947.23. On 21 June 2005, your commanding officer (CO) informed you that your account had reached over 150 days of delinquency, with no payments made since 30 March 2005, and a past due amount of \$1,433.62. The letter also stated you were afforded every opportunity available at your command's disposal to assist you in making

payments to your account, such as placing you in Active Duty for Special Work with the Funeral Honors Department, Flex, and Additional Drills. Furthermore, the correspondence specifically informed you that your continued non-compliance and/or failure to adhere to the guidelines of the GTCC would result in further disciplinary action. On 15 October 2005, you were transferred to an active pay status at Navy Reserve Operations Support Unit.

On 20 November 2005, a report of disposition of offenses indicates you were charged with failing to obey a lawful order by failing to pay off your GTCC debts in violation of Articles 92 and 134, Uniform Code of Military Justice. On 20 January 2006, you were processed for administrative separation processing by reason of pattern of misconduct. An affidavit of service via certified mail noted the original notifications was mailed to you on 25 January 2006. You exercised your right to consult with military counsel, have your case heard before an administrative discharge board (ADB), and submit a statement to the separation authority for consideration. However, on 25 May 2006, after a review of your administrative processing documents, the separation authority noted your missing statement from your separation package. On 27 September 2006, your CO confirmed you did not submit a statement. Further, your CO's recommendation for administrative separation processing indicates that an ADB was not convened. While your service record does not include the documentation regarding this action; the Board relies on a presumption of regularity to support the official actions of public officers. In the absence of substantial evidence to the contrary, the Board will presume that your officers properly discharged their official duties. Your record documents that you were discharged with a General (Under Honorable Conditions) characterization on 6 October 2006.

The Board carefully reviewed your application and 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 desire to upgrade your discharge and contentions that you enrolled in the Navy Reserve shortly after 11 September 2001, were combat ready and awaiting orders to █ for training en route to █ however, your orders were rescinded by your CO due to an outstanding debt on your GTCC you owed to Bank of America. You state that at the time, you were working full time on base without pay, you attempted to pay off the debt, but were told that the debt had been "written off" and did not appear on your credit report. You further state your default was not intentional nor incurred in bad faith. You contend you devoted your time and effort to serving your country and readying for deployment to OIF. You further contend you owed a relatively low balance of approximately \$1,900.00 and, despite your best efforts and intentions, you did not have the financial resources to pay the debt while in active service. You state you could not pay the debt after being discharged from service because you were unable to determine who held the debt at the time. For purposes of clemency consideration, the Board noted you did not provide supporting documentation describing post-service accomplishments or advocacy letters.

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 failure to pay your government travel card balance, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact you were provided multiple opportunities to pay off the debt in a timely manner. The Board was not persuaded by your arguments regarding your inability to pay the

debt due to lack of resources since you were placed in an active pay status position in October 2005 as an E-5. Further, the Board noted that your command appeared to provide you support throughout the process and warned you of the consequences of not paying the debt. As a result, the Board concluded significant negative aspects of your service outweigh the positive aspects and continues to warrant a General (Under Honorable Conditions) characterization. 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 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,

8/11/2022

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Executive Director

Signed by: █