



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 4831-22  
Ref: Signature Date

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Dear █:

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 24 October 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 Navy on 15 June 1964 and began a period of active duty. On 28 June 1967, you were honorably discharged. On 29 June 1967, you began a second period of active duty service. On 11 October 1973, you were honorably discharged. On 12 October 1973, you began a third period of active duty service. On 20 April 1979, you accepted an officer appointment with the rank of Ensign. On 2 April 1981, you accepted a temporary appointment to the grade of Lieutenant (Junior Grade). On 22 April 1983, you accepted a temporary appointment to the rank of Lieutenant (LT). On 16 June 1987, you accepted a temporary appointment to the rank of Lieutenant Commander (LCDR). On 2 November 1988, your retirement request was approved and you were informed that you would be retired in the paygrade of Chief Warrant Officer (CWO4) but paid as a LCDR pursuant to 10 USC 1293. On 31 December 1988, you were retired and issued a Certificate of Release or Discharge from Active Duty (DD Form 214) with block 4a reflecting the rank of Chief Warrant Officer (CWO4) and block 4b reflecting pay grade of W4. On 1 January 1989, you accepted an officer appointment to the grade of CWO4.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief. These included, but were not limited to, your desire to change your rank and pay grade on your DD Form 214 to LCDR/O-4 and contentions that you were promoted to the rank of LCDR and never held the rank of CWO4.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your retirement in the rank of CWO4 is accurate based on your record. As discussed above, you were informed that your retirement was approved, in accordance with 10 USC 1293, in the paygrade of CWO4 based on your temporary appointment to LCDR/O-4. You accepted the Officer Appointment and Oath of Office, on 1 January 1989, upon your transfer to the retired list. In the absence of evidence that shows a material error or injustice, the Board determined your rank and paygrade on your retirement DD Form 214 is correct. 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,

11/18/2022

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Deputy Director

Signed by: █