



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

█
Docket No: 4855-22
Ref: Signature date

█
█
█

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 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 17 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, an advisory opinion (AO) provided by Navy Department Board of Decorations and Medals (NDBDM) dated 12 September 2022, and applicable statutes, regulations, and policies.

You enlisted in the Navy and began a period of active duty on 20 June 1988. On 20 November 1990, you received nonjudicial punishment (NJP) for failure to obey a lawful order. Subsequently, you were reduced in paygrade. On 25 July 1991, you received a second NJP for failure to obey an order and again reduced in paygrade. On 19 June 1992, you were honorably discharged and transferred to the Naval Reserves. On 15 July 1993, you were honorably discharged from the Naval Reserves.

The Board carefully weighed all of the factors you presented to support your request to be awarded the Navy Expeditionary Medal (NEM), marksmanship awards, and correction of your grade, rate, or rank on your Certificate of Release, or Discharge from Active Duty (DD Form 214). You contend that your command willfully and illegally removed official documents from your record. Further, you contend that your records clearly reflect you received the NEM, and that you are missing your pistol and rifle expert badges. While the Board noted your honorable

and faithful service in the Navy, unfortunately, upon review of the evidence provided, the Board concurred with the Navy Department Board of Decorations and Medals (NDBDM) Advisory Opinion (AO) that you are not entitled to any of the requested awards. Further, the Board found no basis to change your paygrade or rank after concluding you were appropriately reduced in paygrade by the two NJPs in your record. Finally, the Board noted you provided no evidence to substantiate your contentions of illegal acts by your command. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

In your application, you also requested an administrative correction of a typographical error and missing information on your DD Form 214. The Board determined you have not yet exhausted your administrative remedies by requesting a correction to Commander, Navy Personnel Command. Accordingly, the Board took no action on this issue.

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,

11/1/2022

█
Executive Director
█