



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

█
Docket No. 5693-22
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER █
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Ref: (a) 10 U.S.C. § 1552

Encl: (1) DD Form 149 with enclosures
(2) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his last name be updated to reflect his legally changed last name, his rank of E-3 be reinstated from 7 April 2010 to present, he be granted "service credit", that he be awarded the Medal of Honor and four Purple Heart Medals, and that the aforementioned changes be reflected on a new Certificate of Release or Discharge from Active Duty (DD Form 214).

2. The Board, consisting of █ reviewed Petitioner's allegations of error and injustice on 17 April 2023, and, pursuant to its regulations, determined the corrective action indicated below should be taken. 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.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Petitioner enlisted in the Navy and began a period of active duty on 25 September 2006. Petitioner reenlisted on 10 November 1995. On 30 June 2008, Petitioner received his first nonjudicial punishment (NJP) for assault. He was subsequently issued administrative remarks documenting this infraction and retaining him in the naval service yet advising him that any further deficiencies in his performance and/or conduct may result in disciplinary action and in the processing for administrative separation. On 7 November 2009, Petitioner received a second NJP for provoking speeches and gestures while holding a knife and, as part of his punishment, was reduced in rank to E-3. On 28 January 2010, Petitioner submitted a request for early separation. On 4 February 2010, the Commander, Naval Personnel Command (CNP) approved

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

Petitioner's request and directed he be discharged with an Honorable (HON) characterization of service by reason of Reduction in Force. On 7 April 2010, Petitioner was so discharged.

b. On 14 September 2012, Petitioner was granted a Name Change Order from the State of [REDACTED] to legally change his name from [REDACTED] to [REDACTED]

c. Petitioner states, as a matter of equality and equity, his name change should be updated, he should be given back pay from 7 April 2010 to present, he should be granted service credit, he should be awarded a Medal of Honor and four Purple Heart Medals, and that all of the aforementioned changes be reflected on a new DD Form 214.

d. Petitioner submitted for consideration an Personal Award Recommendation/OPNAV Form 1650/3, a Claim for Combat-Related Special Compensation (CRSC)/DD Form 2860, a Department of Veterans Affairs (VA) [REDACTED] Regional Letter, a Red Cross Letter, additional VA and official military personnel file (OMPF) documents, a State of [REDACTED] Name Change Court Order, Medical documents, a freedom of information act (FOIA) request letter, and email from an archivist, a military records request, and a Fleet and Family Support Center Letter.

e. Petitioner was previously denied relief by this Board on 17 April 2015, 24 March 2020 and 28 December 2021.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, the Board found it was in the interests of justice to change Petitioner's record to reflect his current legal name in order to facilitate his ability to obtain veterans' benefits.

However, regarding his request for personal awards, the Board determined Petitioner has not exhausted his administrative remedies. Therefore, the Board took no action on this aspect of his application. The Board concluded Petitioner must first seek relief by submitting a request for personal decorations to a member of Congress. The member of Congress will then forward the package to the Navy Office of Legislative Affairs for processing.

With regard to Petitioner's request for back pay from his discharge date to present, the Board noted he was properly discharge and has not been on active duty since his discharge. Therefore, the Board found no merit in Petitioner's arguments and denied his request for back pay. For the same reasons, the Board denied Petitioner's request for service credit.

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED]

RECOMMENDATION

That part of the Petitioner's request for corrective action that exceeds the foregoing be denied. \

That no further changes be made to Petitioner's naval record.

That a copy of this report of proceedings be filed in Petitioner's naval record.

Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge From Active Duty (DD Form 215) indicating his name as [REDACTED]

No further changes be made to Petitioner's record.

A copy of this report of proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

5/1/2023

[REDACTED]