



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. 5900-22
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 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 23 January 2023. The names and votes of the members of the panel 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 this 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.

A review of your record shows that you enlisted in the Navy and commenced active duty on 2 November 1992. On 18 April 1994, you were discharged from the naval service with an Honorable characterization of service. Your Certificate of Release or Discharge From Active Duty (DD Form 214) states "pregnancy" as the reason for separation.

In your petition, you request a correction to your DD Form 214; specifically that the separation reason state medical vice pregnancy. You contend that you were told, in April 1994, that you would receive an honorable medical discharge.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. In reaching its decision, the Board noted that you signed an Administrative Remarks Navy Personnel (NAVPERS) 1070 form on 27 December 1993. The administrative form documents that you were counseled regarding your rights and benefits as a pregnant woman in the Navy. You acknowledged that you may be separated on the basis of pregnancy or childbirth upon your request and that if you requested

separation due to pregnancy, the date for separation would be one month prior to your scheduled delivery date. Moreover, you signed that you did not desire to continue service in the United States Navy. Furthermore, the Board noted that there were no medical records in your file regarding your completed pregnancy and childbirth in service. Based on this information, the Board determined that your narrative reason for separation remains appropriate. 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,

2/17/2023

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Executive Director

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