



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

■
Docket No: 6055-22
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 3 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, 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).

You enlisted in the Navy and began a period of active service on 27 January 1953. On 22 April 1953, you completed recruit training and received a change from rate from "SR" to "SA." On 15 August 1955, you received a change of rate from "SA" to "FA." On 16 December 1956, you received a change of rate from "FA" to "SA." On 17 January 1957, you were discharged. On the same date, you received an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) with block 3a reflecting the rate of "SN," and block 29 reflecting completion of both "FN and "SN" courses. On 18 January 1957, you began a period of mandatory service with the Naval Reserves (USNR). On 5 April 1959, you received a change from "SA" to "SN." On 26 January 1961, you were discharged from the USNR. On the same date, you received a Record of Discharge, Release from Active Duty, or Death (NAVPERS – 601) reflecting your rate as "SN."

The Board carefully 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 change your rate on your DD Form 214 to Fireman (FN) and contentions that you have passed the exam and were promoted from "SN" to "FN," and that this error is preventing you from receiving asbestos related service compensation from the Department of Veterans Affairs (VA).

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Based on your record, the Board noted you were issued the appropriate abbreviation for the grade in which you were separated. As pointed out earlier, your record shows that your rate was converted to "SA" on 16 December 1956, just prior to your release from active duty. Based on this evidence, the Board found no error or injustice in your record. 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,

11/21/2022

█

Executive Director

Signed by █

Enclosure: Marks (NAVPERS-601)