



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: 6591-22
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 31 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).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

In April 1980, during your first enlistment processing you failed to disclose having visited a foreign country and previous marijuana use. As such, on 5 September 1980, you were discharged from the delayed entry program by reason of convenience of the government. During your second enlistment processing you disclosed a one-time previous marijuana use and were granted an enlistment waiver. On 2 March 1981, after enlisting in the Navy, you commenced a period of active duty. On 19 March 1981, your official military personnel file documents you requested an apprenticeship change from Seaman Recruit (SR) to Fireman Recruit (FR). On 27 May 1981, a Naval Aptitude Board was held due to your poor adjustment to recruit training. The Board

unanimously recommended you be discharged with an Honorable (HON) characterization of service. After you were found to be physically fit for discharge, on 8 June 1981, you were so discharged with an HON characterization of service.

In your application, you request a discharge upgrade from a dishonorable discharge. Based on a thorough review of your record, the Board determined you were never issued a dishonorable discharge. As discussed above, your DD Form 214 reflects you were discharged with an Honorable characterization of service. Regarding your desire for Department of Veterans Affairs (VA) benefits, VA eligibility determinations are a matter under VA cognizance and are determined based on their regulations and criteria. The Board recommends you submit your DD Form 214 to the VA, along with your application for benefits, to substantiate your Honorable discharge and potential eligibility for VA benefits. 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,

11/28/2022

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Executive Director

Signed by: █