



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: 7013-22
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 you did not file your application in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 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 to the Kurta Memo and 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 Marine Corps and began a period of active duty on 4 December 1973. Your official military personnel file (OMPF) contains a copy of a social security card (SSC) for account number "██████████" issued to "██████████" which matches the name and social security number (SSN) entered on your enlistment contract, which you signed as "██████████." Throughout your active military service, your OMPF records consistently reflect this information and, at the time of your "Honorable" discharge on 5 September 1975, your Certificate of Discharge or Release from Active Duty (DD Form 214) likewise documented your SSN as "██████████." Additionally, block 10 of your DD Form 214, Individual copy, recorded your reenlistment code as "-----" whereas your DD Form 214, SRB/OQR or HQMC copy 2, recorded block 10 of your reenlistment code as "RE-1A."

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 to be provided with a DD Form 214 that contains a

reenlistment code and your contention that the SSN entered into your DD Form 214 is incorrect. Additionally, the Board considered the assertion, in block 5a of your DD Form 149 application, that your SSN while serving was “[REDACTED]”. As supporting evidence, you provided your DD Form 214, Individual copy, consistent with the copy in your OMPF with the exception as described above, and a copy of an SSC issued on 22 July 2019 to “[REDACTED]” for SSN “[REDACTED]” which is consistent with the SSN you contend to have used during your military service. With respect to your request for a copy of your DD Form 214 reflecting your reenlistment code, although requests for such documents would normally be submitted to the applicable repository for such records, the Board noted that your individual copy does not contain your “RE-1A” reenlistment code and, therefore, found it equitable to attach a copy of the service DD Form 214 to this response to avoid further delay in your efforts to join the U.S. Coast Guard [REDACTED].

Regarding your specific contention of error in block 3 of your DD Form 214, the Board observed that you expressly state your SSN during your military service was “[REDACTED]” whereas the SSN consistently used throughout your OMPF, which includes a much older copy your federally issued SSC provided at the time of your original entry, reflects that your SSN as of 4 December 1973 was “[REDACTED]”. Unfortunately, although you submitted documentation that, as of 22 July 2019, you provided no evidence which might assist the Board in understanding the origin or cause for the discrepancy, change, or correction between your current SSC and your SSC at the time you enlisted. The Board acknowledged that you may not have provided evidence to explain this discrepancy if you were unaware of the existence of your prior SSC; however, absent evidence explaining the cause for the recent change to your current SSC, the Board applied a presumption of regularity to the consistent use of the SSN identified by the historical SSC in your OMPF. As such, the Board found insufficient evidence to support a conclusion that the SSN recorded consistently throughout your OMPF as “[REDACTED]” was erroneous either at the time you entered the Marine Corps or at the time your DD Form 214 was issued. 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 is attached 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,

10/25/2022

[REDACTED]

Enclosure: DD Form 214 (Copy 2)