



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

█
Docket No: 9017-22
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 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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 22 December 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).

At the time you enlisted in the Navy, you provided transcripts, dated 10 October 1986, which recorded the sixth digit of your social security number SSN as '█'. You used this same SSN at the time of your initial enlistment physical on 10 December 1987 as well as in your enlistment contract, and you began a period of active duty on 15 March 1988. Upon your discharged to accept a commission on 8 February 1990, your Certificate of Discharge or Release from Active Duty (DD Form 214) also used this same SSN reflecting █ as the sixth digit. Throughout your commissioned service, the records in your Official Military Personnel File (OMPF) consistently reflect this same SSN with a █ as the sixth digit, to include records of three signed security clearance agreements dated 7 July 1993, 14 February 1995, and 27 February 2004. You were discharged for retirement, on 31 March 2011, with this same SSN entered in your final DD Form 214.

You previously applied to the Board for correction of your SSN requesting that the seventh digit in your DD Form 214 would reflect a ██████. This request was considered by the Board, on 14 July 2021, but denied based on a lack of evidence that an error existed with your record.

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 change your SSN. The board noted that you submitted a recent, clear copy of a social security number issued to you on 9 November 2022. This recent copy noted that the seventh digit of your SSN is a ██████.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In making this finding, the Board took significant note of the SSN card provided with your previous application, which was issued on a Form SSA-3000 of 4/95. The Board observed that this card would have been issued to you between April of 1995 and not later than May of 1999 when the form was replaced by a new version. Although the Board considered the new evidence that you submitted which reflects a current SSN that uses ██████ as the seventh digit, the Board cannot rely on presumptions regarding unexplained or undocumented facts. As a result, the Board found that your application lacked a sufficient information to determine whether you contend that the current number in your DD Form 214 was due to error or injustice. Specifically, the Board determined that it would need further clarification as to the reason that the number used consistently throughout your military service was either erroneous at the time you initially provided it or, if not, whether and why it was subsequently changed by the Social Security Administration. Based on the available evidence, the Board concluded that there is currently no indication that the number used from the beginning of your military service in 1988 and consistently recorded in your OMPF for over 20 years until your retirement in 2011 was recorded due to error. Further, to the extent that the documentation you submitted with your initial request appears to indicate that you were, or reasonably should have been, aware of the error in your OMPF based on the Form SA-3000 issued to you no later than May of 1999, the Board additionally determined that it would need you to address this issue in further detail in order for the Board to fully assess, in light of the evidence you have submitted, whether the continued discrepancy between the two numbers constitutes an injustice. 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,

1/17/2023

