



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

██████████
Docket No. 649-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 11 May 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 as well as the 15 March 2023 advisory opinion (AO) provided by the Navy Office of Legal Counsel (PERS-00J) and your response to the AO.

The Board carefully considered your request to remove the “false message” stating you were arrested and charged with larceny of military property or send a message to the Department of Justice, Federal Bureau of Investigation (DOJ/FBI) to reflect that the charge is not true. The Board considered your statement that you were notified that you had a criminal record while applying for a position with the ██████████ Department of Insurance. Specifically, the 7 November 2022, DOJ/FBI document noting that a search of your fingerprints revealed prior arrest data at the FBI for the larceny of military property. You contend that you served honorably for 21 years and the charge is both untrue and incorrect. As evidence, you provided DOJ/FBI documents.

The Board, however, substantially concurred with the AO. In this regard, the Board found no evidence of correspondence related to your arrest for larceny in your naval record. The Board also noted that you have not provided evidence of the “false message”. The Board can correct errors or remove injustices from naval records. However, the Board has no access to records titled by the DOJ or FBI. The Board determined that you must exhaust your administrative remedies by submitting a Freedom of Information Act (FOIA) request to DOJ and FBI to seek any records they

may have under your name. In addition, you may submit a request to the FBI for your Identity History Summary via email at █. Based on the available of the evidence, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action.

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,

5/26/2023

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Deputy Director

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