



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. 2575-23

Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your father's 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 10 April 2023. 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 father's naval record, applicable statutes, regulations, and policies.

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.

You father enlisted in the Navy on 21 May 1957 and began a period of active duty. On 5 December 1960, he was honorably discharge from the Navy by reason of expiration of active obligated service. On 9 August 1961, he began a second period of active duty service. On 24 August 1965, he was honorably discharged from the Navy by reason of expiration of active duty service. He subsequently transferred to the Navy Reserve. On 16 August 1972, he received a permanent promotion to chief petty officer (E-7) while serving in the Navy Reserve. On 1 January 1988, he was transferred to the retired reserve.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to your

requested to correct your father's rank on his Certificate of Release or Discharge from Active Duty (DD Form 214) and contentions that he dedicated a significant portion of his life to serve honorably and that his service should be properly recognized with accurate documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board concluded that your father's promotion warrant to the rank of chief petty officer (E-7) was in the reserves and was effective on 16 August 1972. This promotion occurred after your father's release from active duty on 24 August 1965. Therefore, the Board determined your father's last DD Form 214 is correct since it properly documents his paygrade upon his release from active duty. The Board noted your father's honorable and faithful service in the Navy and to this country. Additionally, the Board sympathized with your dilemma regarding his burial marker; however, the Board concluded this was insufficient evidence of injustice to warrant the change you requested. 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,

4/25/2023

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Deputy Director

Signed by: █