



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

█  
Docket No. 3465-23  
Ref: Signature Date

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█  
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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 19 September 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. In addition, the Board considered the advisory opinion contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of 19 July 2023, which was previously provided to you for comment.

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.

On 4 February 2021, Commanding Officer, Training Support Center █ notified Commander, Navy Personnel Command (PERS 832) via you and Commanding Officer, Training Support Center █ that per NAVPERS 15560D, article 1616-040, the enclosures are forwarded for review and action. You had two civilian convictions within a week, the final action for both are included in the report.

█ – you plead guilty to the charge of DWI and were found guilty by █ on 8 January 2021. You originally appealed the decision to █ but withdrew the appeal prior to the trial date. The refusal of blood and breath charge was dismissed.

██████████ - You plead guilty to the charge of DWI and were found guilty in ██████████  
██████████ on 13 January 2021. The charge of failing to obey highway  
markings/accident was Nolle Prosequi.

Per NAVPERS 15560D, article 1910-233, you will be mandatorily processed for multiple  
convictions of DWI. You were also referred to command DAPA and were pending  
treatment.

On 9 February 2021, you notified via First Endorsement (TSCHR letter 1616 Ser NOOJ/085 of 4  
Feb 21) Commander, Navy Personnel Command (PERS 832) via Commanding Officer, Training  
Support Center ██████████ that you had received the letter reporting your civilian  
convictions and you understood that it would be filed in your official record. You were aware of  
the contents of NAVPERS 15560D, article 1070-080, and did not desire to make a written  
statement.

On 17 September 2021, Commanding Officer, Navy Service Support Advanced Training  
Command notified Commander, Naval Education and Training Command via Commanding  
Officer, Center for Service Support recommending administrative separation based on Multiple  
Convictions of DWI and Misconduct – Civilian Conviction (multiple incidents).

On 1 November 2021, Commander, Naval Education and Training Command notified  
Commanding Officer, Navy Service Support Advanced Training Command that in response to  
NSSATC letter 1910 Ser N00 of 17 September 2021, which processed member for  
administrative separation per MILPERSMAN 1910-142, authority is granted to discharge you  
within 10 working days after receipt of this letter. Prepare DD 214 per BUPERSINST 1900.SE,  
entering the following: Block 23 Discharged, Block 24 Under Honorable Conditions (General),  
Block MILPERSMAN 1910-144, Block JKB Block 27 RE-4, and Block 28 Misconduct (Civil  
Conviction).

You were discharged with an under honorable conditions (General) character of service and were  
issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of  
17 November 2004 to 16 November 2021 due to misconduct – civil conviction.

On 30 November 2021, you were issued official separation orders (BUPERS order: 3341) while  
stationed in ██████████, with an effective date  
of departure of November 2021. Your effective date of separation was 16 November 2021.

Your Defense Finance and Accounting Service Military Leave and Earnings Statement for the  
period covered 1 to 30 November 2021 listed an Expiration Term of Service (ETS) of 11  
December 2021.

On 11 December 2021, in accordance with the Master Military Pay Account your base pay  
stopped effective 16 November 2021.

On 8 March 2023, U.S. Department of the Treasury, Bureau of the Fiscal Service notified you  
that the U.S. Department of the Treasury, Bureau of the Fiscal Service (Fiscal Service), applied

all or part of your payment to delinquent debt that you owe. This action is authorized by federal law.

You requested to change your separation date to 10 December 2021 vice 16 November 2021, the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that your separation orders listed an effective date of separation of 1 December 2021 and that you should have been discharged on 10 December 2021 because your leave and earnings statement listed your ETS as 11 December 2021. However, the Board concluded that on 1 November 2021, Commander, Naval Education and Training Command notified Commanding Officer, Navy Service Support Advanced Training Command that authority is granted to discharge you within 10 working days due to your misconduct. Furthermore, BUPERS order: 3341, issued on 30 November 2021, states, "Member separation date was 16 November 2021." All supporting documentation reflects your loss date as 16 November 2021 vice 10 December 2021, therefore the Board determined that no change to your record is warranted.

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,

9/26/2023

