



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. 3581-23
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.

Although your application was not filed in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 4 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, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (Hagel 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).

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.

A review of your record shows that you entered service with the United States Navy on 13 April 2012. On 26 November 2014, you filed an Inspector General (IG) Complaint claiming Commanding Officer (CO), █ operated an unfair Surface Warfare Office (SWO) qualification program for junior officers, created a hostile work environment, applied inconsistent standards and requirements for you and other officers due to racial discrimination,

and committed fraternization and waste. On 11 August 2015, the investigating officer (IO) submitted a report finding no evidence to substantiate the allegations of hostile work environment, racism, abuse of power, injustice in SWO qualification program, waste, and fraternization. On 2 March 2016, the IG, U.S. Pacific Fleet concurred with the IO that the CO did not engage in racist behavior, discriminatory actions, and did not operate an unfair SWO qualification program.

The IG noted that you were given “ample opportunity to achieve SWO qualification,” and that “testimony by a number of [your] peers indicated that [you were] a weak division officer and failed to inspire confidence... and [that] your net performance as a SWO was assessed as substandard. Furthermore, the IG U.S. Pacific Fleet reviewed the IO report and concluded, “the IO conducted a thorough inquiry and appropriately documented the evidence he collected and his finding of fact. I further conclude that he applied appropriate standards to the allegations and facts, conducted his analysis based on the evidence and standards, and that his findings were reasonable and correct.”

On 30 September 2016, you were discharged with an Honorable characterization of service; the narrative reason for separation was reduction in force. On 12 July 2020, you submitted a voluntary request to resign commission as an officer in the US Navy Reserve and you were honorably discharged from the US Navy Reserve, on 23 July 2020, due to expiration of your eight-year military service obligation.

For this petition, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire for a medical retirement, a Surface Warfare Pin, and a change in your designation from 1160 to 1110. You contend that you incurred a mental health condition due to racism and harassment you experienced during your active service and that your career was unjustly shortened based on your unfair treatment.

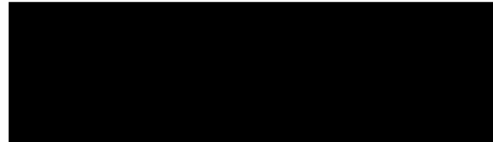
After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board carefully reviewed your petition and the material that you provided in support of your petition and it disagreed with your rationale for relief. In reaching its decision, the Board noted that your allegations of mistreatment were thoroughly investigated and found to be unsubstantiated. Further, the Board found no evidence to support a finding that you were unfit for continued naval service as a result of a disability condition. Your record shows that you were released from active duty as a result of force reduction and you were never referred to the Disability Evaluation System for any disability condition. Therefore, even in light of the Wilkie Memo and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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 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,

6/5/2023

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Executive Director

Signed by:

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