



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

██████████  
Docket No. 9095-23  
Ref: Signature Date

██████████  
██  
██

Dear ██████████,

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 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 9 January 2024. 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 your application to the Board, you purely stated that you request an honorable discharge and change of rank. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. The Board noted that your naval record reflects that you were eligible for an accelerated advancement to E-4 after completion of 12 weeks of Electrician's Mate (EM) School. Conversely, your record also reflects you were identified as having drug dependency issues shortly after entering navy service. A Navy Medical Officer stated in part that you needed rehabilitation and recommended transferring you to the Navy Drug Rehabilitation Center. The Board noted that your record indicates you completed EM School on or about 29 March 1974, based on your designation from Fireman (FN) to EM. On 9 October 1974, the Commanding Officer (CO), ██████████ (██████████) found you guilty at non-judicial punishment for violation of Article 86 (unauthorized absence). At your time at the Navy Drug Rehabilitation Center, the Rehabilitation Officer made a clinical entry in your naval record on 7 November 1974, stating in part that you had immature behavior, difficulties in handling responsibilities, reluctance to conform to authority, and believed you would be a poor candidate for continued active military service and recommended you be discharge. On 13 February 1975, the CO, Medical Hold Naval Air Station ██████████ found you guilty at non-judicial punishment for violation of Article 92 for possession of a small amount of marijuana, two packs of cigarette papers, one pipe, and one bottle of eye drops. Thereafter, your CO notified you of their proposed recommendation for administrative

discharge. On 19 February 1975, you signed a Statement of Awareness and Request for Privileges that you were being considered for an administrative discharge, which could result in a discharge other than honorable, at which time you elected to waive your rights, and accepted an administrative discharge Under Honorable Conditions (i.e. General Discharge). On 20 February 1975, you signed NAVPERS 1070-613, Administrative Remarks acknowledging your request for discharge Under Honorable Conditions and you were discharged the same day. You were issued a DD Form 214N, Report of Separation from Active Duty that stated you were discharged Under Honorable Conditions in block 9e and DD257N in block 9f, however block 27 states that block 9e and 9f should read 'Honorable' and 'DD256N'. Therefore, the Board determined that your naval record properly specifies your discharge as Honorable and a change to your characterization of service is not required.

Concerning your request to change your rank, the Board noted that your naval record did not show you were ever advanced to EM3/E-4, and you did not provide any evidence to the contrary to support your request. Therefore, the Board presumed *presumption of regularity*, and also presumed that your CO did not advance you to EM3/E-4 based on the abovementioned proceedings surrounding your discharge. 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,

1/12/2024

█  
\_\_\_\_\_