



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

█
Docket No: 10391-19
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552.

Your application was not filed in a timely manner. A three-member panel of the Board for Correction of Naval Records (Board), sitting in executive session, considered your application on 20 August 2020. After careful consideration, the Board determined that it would not be in the interest of justice to excuse your failure to submit your application in timely manner.

You were discharged on 25 July 1974 with an other than honorable conditions characterization of service. According to your application, you stated that you discovered the alleged error or injustice in your record on the same day. You did not file your application with this Board, however, until 30 October 2019, over 45 years later.

You contend that the Board should find it in the interest of justice to excuse your failure to submit your application within three years of the date of your discovery of the alleged error or injustice because "I really work very hard to be a USM, I got in trouble because I was set up. Please give me the right to be a veteran." The Board determined, however, that this was insufficient reason to find it in the interest of justice to excuse your failure to submit your application in a timely manner. In reaching this conclusion, the Board determined your request for consideration is denied due to the length of time since your discharge and lack of evidence to support your contentions.

The Board further noted that you may apply to the Department of Veterans Affairs (VA) to appeal their decision. In order to do so, you must contact your regional VA office to start the appeal process. More information of this matter can be found on the VA's website at <https://www.va.gov/decision-reviews>.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. 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,

12/18/2020

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Executive Director

Signed by: █