



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

█  
Docket No: 10877-19

Ref: Signature Date

█

Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 for Correction of Naval Records, sitting in executive session, considered your application on 9 October 2020. 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.

The Board reviewed your application and request to change the name in your military record to match your current legal name. You originally enlisted in the Navy on 3 October 2000 and were honorably discharged at the completion of your required active service on 4 July 2004 and transferred to the Naval Reserve. The Board noted your name was legally changed post-service to "█"

The Board determined that your Navy service records and DD Form 214 maintained by the Department of the Navy contain no known errors. Unfortunately, the Board is only authorized to consider applications for name changes to a Petitioner's DD Form 214 to correct an error or an injustice. As your military record now stands, there are no material errors with your legal name as reflected during your Navy service and at discharge. Because a DD Form 214 is not a "living" document that is updated with subsequent post-service name changes, and given that your name at the time of both your enlistment and discharge from the Navy was "█" █ the Board did not find evidence of an error or injustice that warrants changing

your DD Form 214 to reflect your current post-discharge legal name.

Additionally, the Board reviewed your application under the guidance provided in the Under Secretary of Defense's memorandum dated 25 July 2018 entitled, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations" (USD Memo). The purpose of the USD Memo is to ease the process for veterans seeking redress and assist Boards for Correction of Military/Naval Records (BCM/NRs) "in determining whether relief is warranted on the basis of equity, injustice, or clemency." The USD Memo noted that "increasing attention is being paid to...the circumstances under which citizens should be considered for second chances and the restoration of rights forfeited," and that "BCM/NRs have the authority to upgrade discharges or correct military records to ensure fundamental fairness." The USD Memo sets clear standards and principles to guide BCM/NRs in application of their equitable relief authority, and further explains that boards shall consider a number of factors to determine whether to grant relief. Upon careful review of your application, the Board still concluded that, given the totality of the circumstances, your request does not merit relief.

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 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,

12/11/2020

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Executive Director

Signed by:

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