



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

██████████
Docket No. 9176-23
Ref: Signature Date

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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.

A three-member panel of the Board, sitting in executive session, considered your application on 23 April 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 addition, the Board considered the advisory opinion contained in Commanding Officer, Navy Pay and Personnel Support Center memorandum 7220 N1 of ██████████, 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 16 October 2017, you entered active duty for 4 years with an End of Active Obligated Service (EAOS) of 15 October 2021 and Soft EAOS of 15 October 2023.

You were discharged from active duty with an honorable character of service and were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) for the period of 16 October 2017 to 18 February 2022 for Misconduct – Serious Offense. Official authorized signed on 15 February 2022.

On 3 March 2022, you were issued official separation orders (BUPERS order: ██████████) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of February 2022. Actual separation date 18 February 2022. Place elected for travel: ██████████, ██████████ with an actual date of separation of 4 March 2022.

You were discharged from active duty with an Under Honorable Conditions (General) character of service and were issued a DD Form 214 for the period of 16 October 2017 to 18 February 2022 for Misconduct – Serious Offense. Official authorized signed on 15 March 2022.

On 16 March 2022, your Master Military Pay Account shows that your Basic Pay stopped effective 18 February 2022.

On 19 April 2022, your Reporting Senior signed an Evaluation Report and Counseling Record (NAVPERS 1616/26) for Petitioner for the period of 16 June 2021 to 18 February 2022 while attached to █. This was a Detachment of individual and Regular report. “Evaluation submitted upon member’s separation from the United States Naval Service with a characterization of service as General (Under Honorable Conditions). Member is being separated in accordance with MILPERSMAN 1910-142, Separation by Reason of Misconduct-Commission of a Serious Offense. Member is not recommended for advancement or retention.”

You requested to change your characterization of service to honorable on your DD Form 214 and correct your debt. 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 “new” DD Form 214 is fraudulent, that your service was honorable, and that you were “entitled to receive 1 March 2022 first month E-4 payment.” However, the Board concluded that you were separated for misconduct-serious offense on 18 February 2022 and your DD Form 214 signed on 15 March 2022 and separation evaluation detail misconduct as the reason for separation. You may request a change in the Character of Service, Narrative Reason for Separation and/or Reentry Code using DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States) and submit it to the Naval Discharge Review Board. Additionally, you were overpaid one month of active duty pay due to the delay in strength loss. The Board determined that although you are not at fault for the late reporting of strength loss, your debt is valid because you received pay for a period that you were not entitled. Recommend that you submit a waiver of debt to Defense Finance and Accounting Service if the debt put you in financial hardship. In this connection, the Board substantially concurred with the comments contained in the advisory opinion.

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,

4/29/2024

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