

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

> Docket No. 9473-23 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 25 June 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 Commander, Navy Personnel Command (NPC) memorandum

In September 1982, you were attending the University of **Example 1982**. On 27 January 1984, you enlisted in the U.S. Naval Reserve for 6 years in the pay grade of E-3 via the Sea and Air Marines Program.

On 25 May 1984, **Construction**, **Construction**

You were issued ACDUTRA Orders (NAVRES 1571/5) by Chief of Naval Personnel on 10 July 1987, with a pay entry base date of 23 January 1987, designator code of (Unrestricted Line Officer student billet for a prospective)

), and a report date of 16 August 1987 to Officer Indoctrination School,

On 14 March 1988, Chief of Naval Personnel notified you via Commanding Officer, Naval Reserve Personnel Center that, pursuant to references Title10, U.S.C. Sections 1162 and 1163 and SECNAVINST 1920.6A, the Secretary of the Navy, acting for the President, discharged you from the U.S. Naval Reserve effective 28 February 1988 with an honorable discharge. This action was in response to your involuntary separation for failure to complete a prescribed course of instruction.

On 15 August 2017, NPC notified you that, "[t]his letter is in response to your request for a separation document. Regrettably, NPC has no documentation of your service as an officer and the National Personnel Records Center (NPRC) is unable to locate any Official Military Personnel File (OMPF) after May 25, 1984, documenting service as an officer. The documentation provided in your request is insufficient to determine service dates and therefore, we are unable to reissue a separation document."

You requested that your profile to include your rank as Ensign. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. You assert that you made it to the Ensign rank and that you were in the Judge Advocate General program. You provided a discharge document stating you were being involuntarily separated for failure to complete prescribed course of instruction on 14 Mar 1988 as an Ensign, however no other authoritative source documents were found in your OMPF. The Board determined that without validating documentation such as a contract or Oath of Office, the Board cannot direct NPC to file the unsigned document as proof that you were an Ensign. In this connection, the Board substantially agreed 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,



