



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

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Docket No. 472-24
Ref: Signature Date

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Dear Petitioner:

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 7 March 2024. The names and votes of the panel members 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.

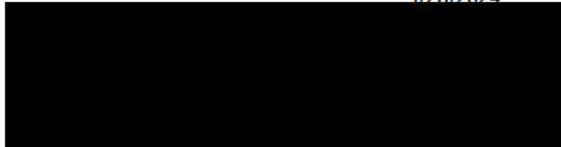
A review of your record revealed that you enlisted in the Navy and commenced active duty on 1 May 1986. As you described in your petition, on 27 January 1989, you fell overboard from your ship during an underway replenishment, and you were ultimately retrieved. According to a Certificate of Release or Discharge from Active Duty (DD Form 214) in your service record, you were released from active duty on 14 May 1993. Your service record also reflects that in September 1996, you were released from the Navy Reserve in order to join the U.S. Army.

In your petition, you request that the Board place a memorandum into your service medical record that you contend that more accurately reflects events that occurred when you fell overboard in January 1989. In support of your request, you contend that you should be able to provide an addendum to your service record to accurately reflect the amount of time you were knocked unconscious. You assert that the medical records improperly reflect the period of time you were unconscious and improperly indicate the amount of jet fuel you ingested. You also state that you were at sea for 1 hour, 39 minutes; not the 30 minutes reflected in your medical records.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that it relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. In that regard, the Board further observed that the Navy has a duty to maintain timely and accurate records relating to its members and there did not appear to be errors or injustices in the documentation maintained in your service record, which was made contemporaneous to the actions described in the records by individuals whose job it was to accurately reflect matters in such service records. The Board reasoned that you might indeed have a different recollection of the events that happened more than 25 years ago, and you are free to make that assertion to whichever entity or organization, if any, that has asked for such clarification. That said, the Board does not view the records relating to you that were kept in the ordinary course of naval operations to be in error, and it did not see an injustice in such. In light of the foregoing, the Board denied your request in its entirety.

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, _____ 3/28/2024

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Deputy Director

Signed by: _____