



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. 1525-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 1 July 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 the 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, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

You enlisted in the Navy and commenced a period of active service on 19 October 1959. On 3 March 1961, you were discharged with an Honorable characterization of service. Your Report of Transfer or Discharge (DD Form 214) documents your reason for discharge as "BUPERS MAN ART. C-10306 Code 220 Marriage."

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to change the reason and authority of your separation from "BUPERSMAN ART. C-10306 Code 220 Marriage," to "Code 221 Pregnancy," and your contentions that, (1) you were discharged under Executive Order 10240, signed by President █, April 27, 1951, and (2) your discharge code is incorrect. Additionally, the Board noted you checked the "PTSD" and "Other Mental Health" boxes on your application but chose not to respond to the 20 February 2024 letter from the Board requesting evidence in support of your claims. For purposes of clemency and equity

consideration, the Board noted you provided a copy of your son's birth certificate and a copy of your 1976 marriage certificate.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no error or inequity in your assigned discharge code. The Board 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. The Board determined the evidence you provided was insufficient to overcome the presumption in your case. In making this finding, the Board noted that your NAVPERS 601 (Record of Discharge, Release from Active Duty, or Death) documents your reason for separation as "Marriage (COG)" and your record contains a 19 December 1960 marriage license to █ along with a name change document reflecting your last name change from "█" to "█".

Therefore, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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 is attached 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,

7/17/2024

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