



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

██████████  
Docket No. 2807-24  
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 26 April 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 to 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 began a period of active duty on 18 February 1987. In your enlistment records, you used a social security number (SSN) of ██████████, which you consistently used throughout your service records.

On 31 January 1988, you received administrative counseling for a derogatory enlisted performance evaluation. Later that year, you were subject to nonjudicial punishment (NJP) on 16 March 1988 and 16 December 1988. Your first NJP was for a violation of the Uniform Code of Military Justice (UCMJ) under Article 86 due to an unauthorized absence, for which you were reduced to the grade of E-2 and placed in correctional custody for 30 days. Your second NJP was for an Article 134 violation of the UCMJ for false swearing, for which you punished with 45 days of restriction and extra duty in addition to reduction to the grade of E-1; although your reduction in grade was suspended provided that you did not commit further misconduct. At that time, you were issued an administrative counseling advising you that continued misconduct could result in discharge under adverse circumstances. However, by 4 January 1989, your suspended reduction in grade was vacated due to continued misconduct and you were notified of

processing for administrative separation due to a pattern of misconduct. You waived your right to a hearing before an administrative separation board and a recommendation for your discharge under Other Than Honorable (OTH) conditions was approved via Naval message from the Bureau of Naval Personnel. You were so discharged accordingly on 24 February 1989. At the time of your separation, you signed and acknowledged for the receipt and accuracy of your discharge record, which continued to use the same SSN you provided at the time of your initial entry.

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 upgrade your discharge to "Honorable" and your contention that your SSN is incorrect and necessitates a review of your characterization of service. For purposes of clemency and equity consideration, the Board noted you did not provide documentation describing post-service accomplishments or advocacy letters. However, the Board noted you provided a copy of your birth registration card and social security card in support of your request to change your SSN.

With respect to the contended error in the SSN you used during your military service, the Board observed that you used the same SSN throughout the entirety of your military service. Your official military personnel file (OMPF). You provided a birth registration card reflecting your full name and date of birth, consistent with your OMPF data. You also submitted evidence that, on 13 March 2014, you were issued a SSN card consistent with your full name but with a different number. The Board noted that this SSN substantially differs from the number you provided at the time of your entry into military service, and you have provided no explanation regarding the underlying cause for such an error to have occurred at the time you enlisted, nor have you provided confirmation from the Social Security Administration (SSA) of the veracity of this black and white photocopied card, which is in significantly poor repair. The Board presumes regularity in the conduct of government business and the maintenance of official records. Absent compelling evidence to explain how and why the SSN you used at the time of your original entry was erroneous or, alternatively, an explanation that your SSN was not erroneous at that time but has since been official changed by the SSA, the Board found insufficient evidence at this time that the SSN used in your discharge record was erroneous at the time it was issued or that it is presently erroneous. Therefore, the Board determined that you submitted insufficient evidence to warrant the requested change to your SSN at this time.

Regarding your request to upgrade your characterization of service, after thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. Further, the Board noted you were given the opportunity to correct your conduct deficiencies but chose to continue to commit misconduct.

As a result, the Board concluded your conduct constituted a significant departure from that expected of a service member and continues to warrant an OTH characterization. Even in light of the Wilkie Memos and reviewing the record holistically, the Board did not find evidence of an 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,

5/20/2024

