

DEPARTMENT OF THE NAVY

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

> Docket No. 2898-24 Ref: Signature Date



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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 29 May 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.

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.

You enlisted in the Navy Reserves (USNR), on 25 February 1969, for six years and were assigned to the Ready Reserve. On 2 April 1970, you entered a period of active duty for 24 months as a Navy Reservist. On 16 March 1972, at the completion of your required service, you were released from active duty, and assigned to your naval reserve command. You were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that annotated your characterization of service as Honorable. Upon completion of your enlistment contract, you were discharged from the Navy Reserve on 24 February 1975.

The Board carefully weighed all potentially mitigating factors in your case, such as your desire to correct your DD Form 214 to accurately reflect your six-year enlistment from 1969 to 1975.

The Board considered your submission of supporting documentation and your statement that, your DD Form 214 does not reflect the year that you were assigned to a destroyer or the two years active time shore duty with the Seabee Battalion before your separation to inactive reserve.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board noted there is no evidence in your record that your DD Form 214 inaccurately documents your period of active-duty service. Therefore, the Board did not find evidence of an error or injustice that warrants changing your period of active-duty service annotated on your DD Form 214. 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 rebut the presumption of regularity in your case. 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 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.

