



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. 5200-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of his 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 17 June 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 father's 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).

Your father enlisted in the Navy and commenced active duty on 29 June 1971.

On 1 December 1974, he received an Honorable discharge. He received a DD Form 214 indicating his Honorable discharge for this period of active service. His rank reflected on this DD Form 214 was "SK2." Following this discharge, he immediately reenlisted in the Navy.

On 1 December 1980, following expiration of your father's obligated service, he again received an Honorable discharge, after which he was transferred to the Naval Reserve. He received a second DD Form 214 indicating his Honorable discharge for this period of active service. His rank reflected on this DD Form 214 was "SK1."

On 6 February 1983, following completion of his reserve obligation that did not include a qualifying period of active duty, your father was issued a DD Form 256N, which is an Honorable Discharge Certificate, indicating a rank of "SKC," and recognizing his Honorable service for this

period of reserve service. This was the appropriate certificate for issuance following his reserve service as, per military policy, reserve component servicemembers only received a DD Form 214 when: separated from a period of active duty for training, full-time training duty, or active duty for special work when they have served 90 days or more. Your father was recommended for reenlistment and again reenlisted.

On 28 August 1991, your father completed his final period of Reserve service and was again issued a DD Form 256N, based on the lack of any qualifying period of active duty, indicating a rank of "SKC," for this period. Again, this was the appropriate certificate to recognize his reserve service, as he was not leaving a period of active duty service.

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 that a new DD Form 214 be issued reflecting your father's final rank of "SKC," or to provide you with a copy of such a document, if such document already exists.

In support of your application, you provided your father's record of discharge from the naval service dated, 22 August 1991, his Honorable Discharge Certificate Form 256N, dated 28 August 1991, your father's death certificate, and documents proving your eligibility to make this petition on his behalf.

After thorough review, the Board concluded it is unable to grant relief. Specifically, as addressed above, the Board determined that your father's record is correct since he is not entitled to a DD Form 214 reflecting his terminal rank of "SKC." The Board determined his record contains the correct discharge certificates acknowledging his periods of active duty and periods of drilling Reserve service. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Notwithstanding, the Board respectfully recommends that you reach out to your local Department of Veterans Affairs office to work out the documentary issues related to the rank displayed on your father's tombstone. Perhaps providing a copy of the Board's decision letter explaining the lack of a DD Form 214 from 1991 may resolve the issue. Ultimately, the decision related to your father's headstone lies outside the scope of this Board's statutory authority.

The Board thanks your father, and his entire family, for his many years of exemplary and Honorable service to our nation. The Board further commends your attention to his legacy.

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,

6/28/2024

