



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. 6787-24
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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 29 August 2024, has carefully examined your current request. The names and votes of the members of the panel 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.

The Board, noting a previous Board denied the same request in August of 1989, carefully reconsidered your request for reinstatement to paygrade E-7 due to your new contentions¹. Specifically, you contend you were a “victim of retaliation, vindictiveness and discrimination” because you told your chain of command they were not following the Navy Comptroller Manual’s rules and regulations regarding changing of the combination locks on the cash vaults. Additionally, in block 18 of your DD Form 149, you explain your current health challenges.

The Board noted a General Court-Martial in August 1985 reduced you in rate from DKC to DK2 after finding you wrongfully appropriated about \$5000.00 on 7 March 1984. Noting you provided no evidence to support your contentions regarding your chain of command’s retaliatory, vindictive, and discriminatory treatment, the Board determined there was insufficient evidence to overcome the previous Board’s denial of your requested relief. As a result, the Board concluded there is insufficient evidence of an error or injustice warranting a change to

¹ The Board noted you listed a letter to the Secretary of the Navy as an additional supporting document but the letter was not included in your submitted request for relief.

your record. 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.

Sincerely,

9/22/2024

