



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. 6822-24
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.

A three-member panel of the Board, sitting in executive session, considered your application on 31 October 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 your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

The Board noted two of your previous requests, Docket Nos. 7753-20¹ and 6284-18², reflect you have requested relatively the same relief since a previous Board granted relief in its review of Docket No. 6406-16³, with the exception that, in your current submission, you now request advancement to E-7. Additionally, the Board noted the only new evidence⁴ in the current

¹ Through counsel, you requested removal of all nonjudicial punishments (NJPs), promotion to E-8, change of your discharge date to reflect completion of the balance of your third enlistment, 1,246 active duty days credited toward active duty retirement, back pay for the balance of your third enlistment contract, compensation for lost pay benefits, and investigation into your command leadership.

² In Docket No. 6284-18, you requested restoration of your rank to E-5, promotion to E-6, and expungement of documents of all incidents while onboard █.

³ The Board that considered Docket No. 6406-16 granted your request to update your characterization of discharge to honorable and change your reentry code to RE-1. Additionally, in the interests of justice, the Board changed your record to reflect your narrative reason for separation as "secretarial authority," the separation authority as "MILPERSMAN 1910-164," and your separation code as "JFF."

⁴ The Board noted your submitted evidence included your original DD Form 214; the erroneous DD Form 214; the DD Form 149 and evidence/exhibits submitted with Docket No. 6406-16, the previously considered 10 March 2016

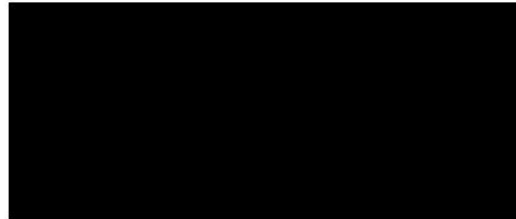
submission is a 28 July 2020 letter from your counsel at [REDACTED], which, as specifically stated in her letter, was “to outline [her] findings related to the tampering and subsequent incompleteness of [your] [s]ervice record.”

Due to the new evidence, specifically the 28 July 2020 letter, the Board considered your request to credit the amount of your enlistment contract lost due to your involuntary separation, which you calculated to be 4.5 years of service; issue of any and all back pay, allowances, leave, and entitlements for the period of constructive service credit awarded; advancement to paygrade E-7; and any other relief that is equitable and just. However, the Board determined the attorney’s 28 July 2020 letter did not provide new evidence that overcame the previous Boards’ decisions. As explained in the Docket No. 7753-20 Decision Document, this Board reiterated its previous findings that the NJPs were valid; the Administrative Discharge Board (ADB) was not used as a “weapon” to reprise against you but was properly convened; and there was insufficient evidence of an error or injustice in the ADB’s determination you should be administratively separated or that your third enlistment was inequitably or prematurely terminated. The Board noted it had not previously addressed the specific contention that the ADB Record of Proceedings had omitted witness testimony in violation of MILPERSMAN 1910-516, which you now contend calls into question whether the separation authority conducted a thorough and complete review of the proceedings before approving the findings. However, the Board determined there is insufficient evidence in the record to overcome the presumption of regularity in the separation authority’s decision to administratively separate you. Based on the available evidence, the Board again concluded there was insufficient evidence of an error or injustice to warrant relief.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

11/14/2024

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letter from [REDACTED] the 28 July 2020 letter from attorney PP; the Docket No. 6406-16 Decision Document; and the corrected DD Form 214.