



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. 7063-24
5900-22
Ref: Signature Date

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Dear █

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, considered your application on 21 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, 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).

You previously applied to this Board for changes to your type of discharge and narrative reason for separation and were denied relief on 23 January 2023. The facts of your case remain substantially unchanged.

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 change your narrative reason for separation to "hardship for assignment based upon humanitarian reason" and contentions that: (1) you did not want to leave the Navy but were told requesting to be discharged due to pregnancy was the only way you and your husband could be together as a young family with a newborn, (2), you endured numerous hardships, including a difficult cesarian section after a long labor, (3) your belongings

were damaged during transit, (4) your separation from your husband, who was stationed in Japan, added to your stress and depression, (5) you recently experienced another devastating loss of personal property due to a burst pipe which forced you to sell your home, (6) you lived in your truck for several weeks and cannot afford a down payment, (7) you are unable to work full-time due to health issues, (8) you seek a fresh start in a peaceful place, away from the challenges that have overwhelmed you, and (9) you are a few months shy of meeting the two-year Department of Veterans Affairs (VA) certificate of eligibility requirement to obtain a VA-backed home loan. For purposes of clemency and equity consideration, the Board considered the documentation you provided in support of your application.

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned discharge narrative reason for separation remains appropriate. The Board relies on 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. Therefore, absent substantial evidence that you were not discharged based on your pregnancy, the Board concluded your reason for separation is correct. Finally, absent a material error or injustice, the Board declined to summarily change a discharge solely for the purpose of facilitating veterans' benefits or enhancing educational or employment opportunities.

Therefore, while the Board empathizes with the recent catastrophic events in your life, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of 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 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,

11/8/2024

