



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

JMP
Docket No. 11951-24
Ref: Signature Date

[REDACTED]

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552.

Your application was not filed in a timely manner. A three-member panel of the Board, sitting in executive session, considered your application on 20 March 2025. Although you indicated in Section 3, block 11a of the DD Form 149 that the case was a request for reconsideration of a prior application, the Board noted you did not provide a case number or decision date, and a review of the Board's tracking system did not indicate any other cases. Additionally, the Board determined your personal appearance, with or without counsel, would not materially add to its understanding of the issues involved.

In your DD Form 149 application, you request the Board change your narrative reason for separation to "Secretarial Authority," upgrade your characterization to "honorable," and change your reentry code to "RE-1." You contend the discharge was "both procedurally and substantively defective" and "unfair at the time and remains so now." However, in counsel's brief, counsel requested you be "assess[ed] for a medical retirement, temporary disabled retirement list, or a military retirement" because you contend, you were "separated from the military without proper medical disability system processing." Further, the Board noted that on page 6 of counsel's brief, in the "Background" Section, counsel describes a background that does not appear to describe your military service or match the record revealed in your official military personnel file. Additionally, counsel's brief states you "experienced several injuries which ultimately led to an honorable discharge after a motorcycle accident in October 1995¹" and were "processed out on a Medical Discharge" on 31 December 1996. Also on page 7 in the "Analysis and Argument" section, counsel refers to "Mr. Collins" and describes an administrative separation.

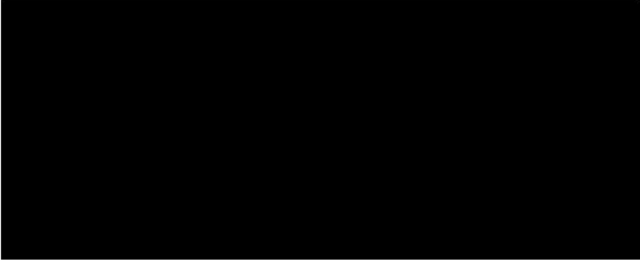
¹ Per your Certificate of Release or Discharge from Active Duty (DD Form 214), you were discharged from the service in 1994.

Lastly, in reviewing your application, the Board noted you were discharged on 15 September 1994 by reason of court-martial conviction, but you did not indicate in Section 3, block 16 of the DD Form 149 the “approximate dates the error or injustice was discovered” nor did you explain, on the DD Form 149, your reason for delay. In looking to counsel’s brief for an explanation, the Board noted counsel, in error, states “Applicant has submitted this application in accordance with the fifteen-year statute of limitation²” and “within 15 years of the date of discharge.” Observing it has been approximately 30 years since the date of your discharge, the Board determined your request should be denied due to the length of time since your discharge, insufficient basis to excuse your failure to submit in a timely manner, and the lack of evidence³ submitted in support of your requested 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,

4/2/2025



² The Board noted application for correction of a record must be filed within three years after discovery of the alleged error or injustice.

³ The Board noted you listed ██████████ in Section 4, block 19 of the DD Form 149 but was unable to determine what, if any, evidence other than the DD Form 214 was submitted with your application because enclosures/attachments are not noted or listed in counsel’s brief.