



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. 3684-25
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.

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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 30 July 2025. 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 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.

You previously applied to this Board for changes to your discharge¹. The summary of your service remains substantially unchanged from that addressed in the Board's previous decisions.

Due to the new evidence² submitted with your current request for relief, the Board considered your request "for an upgrade in rank/status." You contend your drill instructor³ was the "cause

¹ Based on the decision documents from your previous submissions, Docket Nos. 7818-02 and 1194-13, you have previously requested upgrade of your entry level separation (ELS) to an honorable discharge and, most recently, a determination you were unfit for duty by reason of physical disability incurred/aggravated by your service.

² You submitted several pages of post-service medical records.

³ The Board noted your request to interview the senior drill instructor and the "Master-gunny at Parish Island at that time." However, the Board is not an investigative body.

of [you] being separated” and it was “[d]ue to no fault of [your] own.” Additionally, you contend you “would’ve stayed if it weren’t for the actions of [your] D.I.” However, the Board determined the new evidence did not overcome the decision of the previous boards. Specifically, the Board again determined there was insufficient evidence that your “rank/status” at discharge were incorrect or that you were unfit for continued naval service due to a qualifying disability condition at the time of your ELS from the Marine Corps.

Additionally, the Board noted you indicated “PTSD” and “other mental health” in block 14 of the DD Form 149 as “issues/conditions related to your request.” However, since you did not provide additional medical or clinical evidence⁴ regarding a mental health condition, the Board considered the available record.

The Board also noted you indicated “reprisal/whistleblower” in block 14 of the DD Form 149 but provided no additional information or discussion of the circumstances. The Board thus determined there was insufficient evidence to conclude you were the victim of reprisal in violation of 10 USC 1034. 10 USC 1034 provides the right to request Secretary of Defense (SECDEF) review of cases with substantiated reprisal allegations where the Secretary of the Navy’s (SECNAV’s) follow-on corrective or disciplinary actions are at issue. Additionally, in accordance with Department of Defense policy, you have the right to request review of the SECNAV’s decision regardless of whether your reprisal allegation was substantiated or non-substantiated. Your written request must show by clear and convincing evidence that the SECNAV acted arbitrarily, capriciously, or contrary to law. This is not a *de novo* review and under 10 USC 1034(c) the SECDEF cannot review issues that do not involve reprisal. You must file within 90 days of receipt of this letter to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)), Office of Legal Policy, 4000 Defense Pentagon, Washington, DC 20301-4000. Your written request must contain your full name, grade/rank, duty status, duty title, organization, duty location, mailing address, and telephone number; a copy of your Board application and final decisional documents; and, a statement of the specific reasons why you are not satisfied with this decision and the specific remedy or relief requested. Your request must be based on factual allegations or evidence previously presented to the Board, therefore, please also include previously presented documentation that supports your statements.

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,

8/8/2025

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⁴ On 9 April 2025, via letter, the Board requested additional medical or clinical evidence in support of your claim.