



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 2220

██████████
Docket No. 9353-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 9 March 2026. 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, 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).

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and began a period of active duty on 16 January 2001. After a period of continuous Honorable service, you immediately reenlisted and commenced another period of active duty on 18 July 2005.
2. On 3 August 2006, you received nonjudicial punishment (NJP) for a period of unauthorized absence (UA), making a false official statement, and larceny and wrongful appropriation.¹

¹ This information was derived from your final performance evaluation.

3. On 10 August 2006, the separation authority approved and ordered an Other Than Honorable (OTH) discharge characterization of service by reason of Misconduct due to drug abuse.² On 18 August 2006, you were so discharged. Upon your discharge, you were issued a Certificate of Release or Discharge from Active Duty (DD Form 214) that did not annotate your period of continuous Honorable service.

4. Post-discharge, you applied to the Naval Discharge Review Board (NDRB) for relief. The NDRB denied your request, on 9 January 2012, after determining your discharge was proper as issued. However, the NDRB noted that your DD Form 214 lacked information regarding your continuous Honorable service.

5. On 26 March 2013, Navy Personnel Command issued you a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215) that added your period of continuous Honorable service to your DD Form 214.

In your application to this Board, you express a desire to be issued a separate DD Form 214 for your period of continuous Honorable service and contend that:

1. You were told that you need a new DD Form 214 covering your period of continuous Honorable service to qualify for educational benefits.
2. You acknowledged the mistakes you made during your last period of active duty, accept the responsibility, and express regret.
3. You are seeking this correction solely to continue your education while using the benefits you earned through your Honorable service.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately issued a DD Form 215 to correct the original omission of your period of continuous Honorable service from your DD Form 214. Further, the Board also concluded you were appropriately issued a single DD Form 214 to cover your entire Navy active duty service. While the Board carefully considered your contention of mitigation, the Board noted you do not argue that the Navy violated their regulations regarding the issuance of DD Form 214s. The Board noted that the Department of the Navy no longer issues a separate DD Form 214 to enlisted personnel at the completion of each individual enlistment, and instead makes appropriate notations in the Block 18 Remarks section upon their final discharge or retirement from the armed forces reflecting such previous enlistments. Therefore, the Board determined the presumption of regularity applies to your DD Form 214 and no error exists with your record.

² Your administrative separation package was not in your record. In cases such as this, the Board relies on a 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.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, your desire for a separate DD Form 214, your contentions, the totality of your service, your need for veterans' benefits, your rehabilitation efforts, and the evidence you provided in support of your application.

The Board found that the mitigating factors were not sufficient to justify any equitable relief. Specifically, in reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members. While the Board acknowledged your desire for a separate DD Form 214 to qualify for Department of Veterans Affairs (VA) educational benefits, it determined the Navy's interest in maintaining consistency in its personnel system records outweigh those mitigation factors.

Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Finally, the Board recommends you contact the VA regarding your eligibility for educational benefits based on your period of continuous Honorable service. Generally, to be eligible for the Post-9/11 GI Bill, a veteran must have an Honorable discharge. However, the VA acknowledges that a veteran may have multiple periods of service with different discharge characterizations and will undertake a Character of Service Determination if you apply for benefits. Prior to contacting the VA, the Board also recommends you seek guidance from a Veterans Service Organization in preparing your application.

You are entitled to have the Board reconsider its decision upon the 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,

3/26/2026

