

DEPARTMENT OF THE NAVY  
SECRETARY OF THE NAVY  
COUNCIL OF REVIEW BOARDS  
720 KENNON ST SE RM 309 (NDRB)  
WASHINGTON NYD DC 20374-5023

FOR OFFICIAL USE ONLY

Scheduling Letter

September 21, 2010  
ND09-02565/DEB

THOMAS M BURDEN  
1520 CALIFORNIA ST  
KLAMATH FALLS OR 97601

**PLEASE READ CAREFULLY**

Your Personal Appearance Hearing Review (HR) is scheduled to be conducted on **Monday, 29 November 2010**, at Building 36, Third Floor, Room 303, Washington Navy Yard, Washington, D.C. Your hearing will begin promptly at **8:00 a.m.** Arrangements for traveling home on the same day of your hearing should be made for early evening. You are expected to have reviewed all documentation prior to arrival and have issues prepared. Therefore, you and/or your representative may review the records and documents available held by the NDRB prior to the hearing day by appointment only. Traveling in and around the DC Metropolitan area can be challenging and time consuming. We recommend that you allow ample time for travel, and plan to arrive at least **45 minutes** prior to your scheduled hearing time. Should unforeseen problems arise that delay your arrival, you must notify the NDRB immediately. **Late arrival at your scheduled hearing without at least 24 hours written notification or failure to appear for your hearing shall constitute waiver of that hearing.** Your case will be reviewed on the basis of the available records of your naval service, together with any supporting documents or evidence previously submitted by you and/or your representative, if you have not had a previous documentary review (DR). If you have had a previous DR, your case will be closed without further action. **In either case, you will negate any eligibility for future review unless you can demonstrate that your late arrival or failure to appear was due to circumstances beyond your control.**

Sincerely,

  
T. D. SIDBURY  
Executive Secretary

Enclosure

LAW FIRM OF PUCKETT & FARAJ PC  
HAYTHAM FARAJ  
2181 JAMIESON AVE SUITE 1505  
ALEXANDRIA VA 22314



# Secretary of the Navy Council of Review Boards



## *Naval Discharge Review Board*

### **INFORMATION FOR APPLICANTS** **(PERSONAL APPEARANCE HEARINGS)**

#### **INTRODUCTION**

This information is provided as an overview of protocol specifically related to your personal appearance before the Naval Discharge Review Board (NDRB). Anyone petitioning this Board will be referred to as an "applicant." The formulation of issues associated with your discharge is discussed herein. This sheet is instructional; Board expectations are addressed for your information and convenience only.

#### **NDRB**

The Naval Discharge Review Board is an official Board of the Secretary of the Navy. The purpose of the Board is to review discharges of former Navy and Marine Corps personnel at their request. The request is submitted to the Board via a DD Form 293 in the form of issues based on propriety (legal), equity (fairness) or a combination of both citing specific reasons why the discharge should be changed.

The Board is allowed by law to consider everything in your official records to be correct unless there is clear and substantial evidence to the contrary. The burden of providing new evidence or evidence of an error rests with the applicant. Although the Board will presume regularity in the conduct of government affairs, all evidence presented will be considered. Properly documented evidence can override this presumption.

Applicants are reminded this is an Administrative Board and not a court of law. The Board is comprised of five officers from the Navy and Marine Corps with extensive operational experience. This hearing is not an adversarial proceeding wherein the applicant will be intimidated or challenged for the purpose of impugning motives or the integrity of the case. The applicant should feel comfortable throughout the hearing. The Board will look at evidence that has direct connection to the reason for discharge. Applicants before this Board may bring witnesses, provide written statements, submit statements of others, or provide other documentary evidence. Applicants may, at their option, testify under oath, make an unsworn statement, or say nothing. Applicants may also request observers be present during the hearing even though they will not testify. The entire hearing will be recorded on magnetic tape.

## ISSUES

For the purpose of definition, the Department of the Navy, in issuing a discharge will always presume it was correct in that action. Your request for review and change to the discharge challenges this concept and requires the Board to review the circumstances of the discharge. Your reasons in support of this request are known as issues. This Board requests applicant issues to initiate the review process and as a basis for deciding whether or not to approve an upgrade. If issues are not provided, the Board will use the general issues of overall propriety and equity. This is a less desirable option since the presumption is this was done at the time the discharge was issued.

A reminder: issues are the reason you want the Board to look at your case and can be based on either of the following categories only.

- (1) An issue of PROPRIETY – Issues claiming the discharge or a portion of the discharge is IMPROPER in that it did not follow regulations. It is a claim there is an error of fact, law, procedure or indiscretion associated with the discharge.
- (2) An issue of EQUITY – Issues claiming the discharge is INEQUITABLE in that it is unfair or disproportionate. Most issues are of this type.

An issue must be in writing as or part of the DD 293 Form. It can be stated in a simple sentence or series of sentences covering those points that the applicant wishes to make known to the Board. For example: “The discharge is (improper) (inequitable) because of \_\_\_\_\_.” The applicant or his representative must sign this form.

## DOCUMENTATION

In addition to the period of service under review, the Board is also authorized to consider significant documented post-service accomplishments in determining the overall merits of the request. Applicants are urged to bring all documentation to the hearing, which will support their issues. Documentation includes credentials, transcripts, certificates, correspondence, testimonials, and references to mention a few. As an example, if an applicant mentions educational achievements, extensive rehabilitation, or a record of community service, the Board can and will require supporting documentation.

## BOARD PROCEDURE

Prior to the hearing, the Board will have been briefed on the highlights of the case by the recorder. The applicant can assume the Board is familiar with the general chronology of his or her enlistment. The hearing will be restricted in scope to the issues presented for the Board's consideration. This is the reason it is important to cover all points during the presentation of issues as to why the applicant feels the discharge should be changed.

When the hearing is ready to commence, the applicant and his representative will be invited into the hearing room by the recorder assigned to the case. After brief introductions, the applicant and representative should feel free to automatically sit down to commence the proceeding. Preliminary questions will be asked to identify those present and to verify the record. The applicant and witnesses will be sworn in and, at this point, the recorder will invite the applicant and representative to present their case. This is the time to present any and all evidence to include testimony and documents in support of the issues.

After the case has been presented, the Presiding Officer will assume, unless otherwise informed, there will be no objections to questioning of the applicant by Board members. Some Board members may have no questions; however, questions are important to resolve doubt and clarify confusing testimony. All questions are relevant although it may not appear so. To put the applicant's mind at ease, the Board is not interested in asking trick questions. The applicant may anticipate hard questions and, in some cases, personal questions which have a bearing on the case. Closing statements will be invited from the representative and the applicant. When the hearing concludes, the applicant must feel sufficient time was provided to present their case and that a fair hearing was afforded. The applicant will be asked to verify this. The hearing will then be closed.

## **DECISION**

The applicant will not be immediately informed of decision. The Board will deliberate on the testimony and evidence presented along with the information contained in the official records. When a decision has been reached and the case is finalized, the applicant will be notified by mail of the Board's decision. The closeout of the case could take several months. The applicant is reminded in the event the Board decides not to upgrade their discharge; an application can be made to the Board for Correction of Naval Records (BCNR). Criteria for upgrade sometimes differ between the NDRB and the BCNR. The Board members of the NDRB wish you well.

**Pictured ID required to enter the Washington Navy Yard**

**Office number: (202) 685-6600**

**DRIVING ON WASHINGTON NAVY YARD**

Enter Washington Navy Yard at the "O" Street gate

Proceed through stop sign

Take left into Entrance of garage.

Upon entering the garage, stop and check-in with the security guard

**CHECK WITH SECURITY GUARD FOR A PARKING PASS**

Exit the garage, cross over "O" Street (Navy Exchange on corner).

Go to Stop Sign, turn left, crossing over Parsons Ave.

Having crossed Parsons Ave, sidewalk will hug the building at your right (LESS THAN A 1/2 BLOCK).

At this street, Cross over, keeping to your left, following the curved sidewalk (Art Museum at your right) around to an old White Building (with cannons in front).

Pass the Navy Museum (brick walkway). At the corner, turn right on Paulding Street (Building 36 is about halfway down this street)

Turn left on Kennon Street

Entrance to Building 36 is your right (between buildings 33 and 36)

Enter Building 36 go to the elevators

Proceed to the 3rd Floor

Take a right exiting the elevator

Proceed through double doors

Applicant/Counsel room will be first door on the right

**BY METRORAIL (202) 637-7000 - TRANSIT INFORMATION**

Upon entering the Metrorail obtain a bus transfer ticket (usually located by the down elevators)

Take the Orange or Blue line to Eastern Market - Catch the 92 Anacostia bus at 8th and Pennsylvania.

Let the driver know you want the "O" Street gate at the Washington Navy Yard

Walk in the pedestrian gate, show pictured ID

Walk down "O" Street, pass the McDonald's to the next intersection(9<sup>th</sup> Street), turn right

Proceed down 9<sup>th</sup> Street toward stop sign, cross over 9<sup>th</sup> Street

Having crossed Parsons Ave, sidewalk will hug the building at your right (LESS THAN A 1/2 BLOCK).

At this street, Cross over, keeping to your left, following the curved sidewalk (Art Museum at your right) around to an old White Building (with cannons in front).

Pass the Navy Museum (brick walkway). At the corner, turn right on to Paulding Street (Building 36 is about halfway down this street) - Turn left on Kennon Street

Entrance to Building 36 is on your right (between buildings 33 and 36)

Enter Building 36 go to the elevators - Proceed to the 3rd Floor

Take a right exiting the elevator

Proceed through double doors

Applicant/Counsel room will be the first door on the right

MOTEL/HOTEL LOCATED IN WASHINGTON DC

LOEW'S L'ENFANT PLAZA HOTEL  
480 L'ENFANT PLAZA SW  
WASHINGTON DC  
(202) 484-1000

BEST WESTERN  
10 "L" STREET SW/SOUTH CAPITOL  
WASHINGTON DC  
(202) 488-7500

CHANNEL INN  
650 WATER STREET SW  
WASHINGTON DC  
(202) 554-2400

MOTEL/HOTEL LOCATED IN VIRGINIA

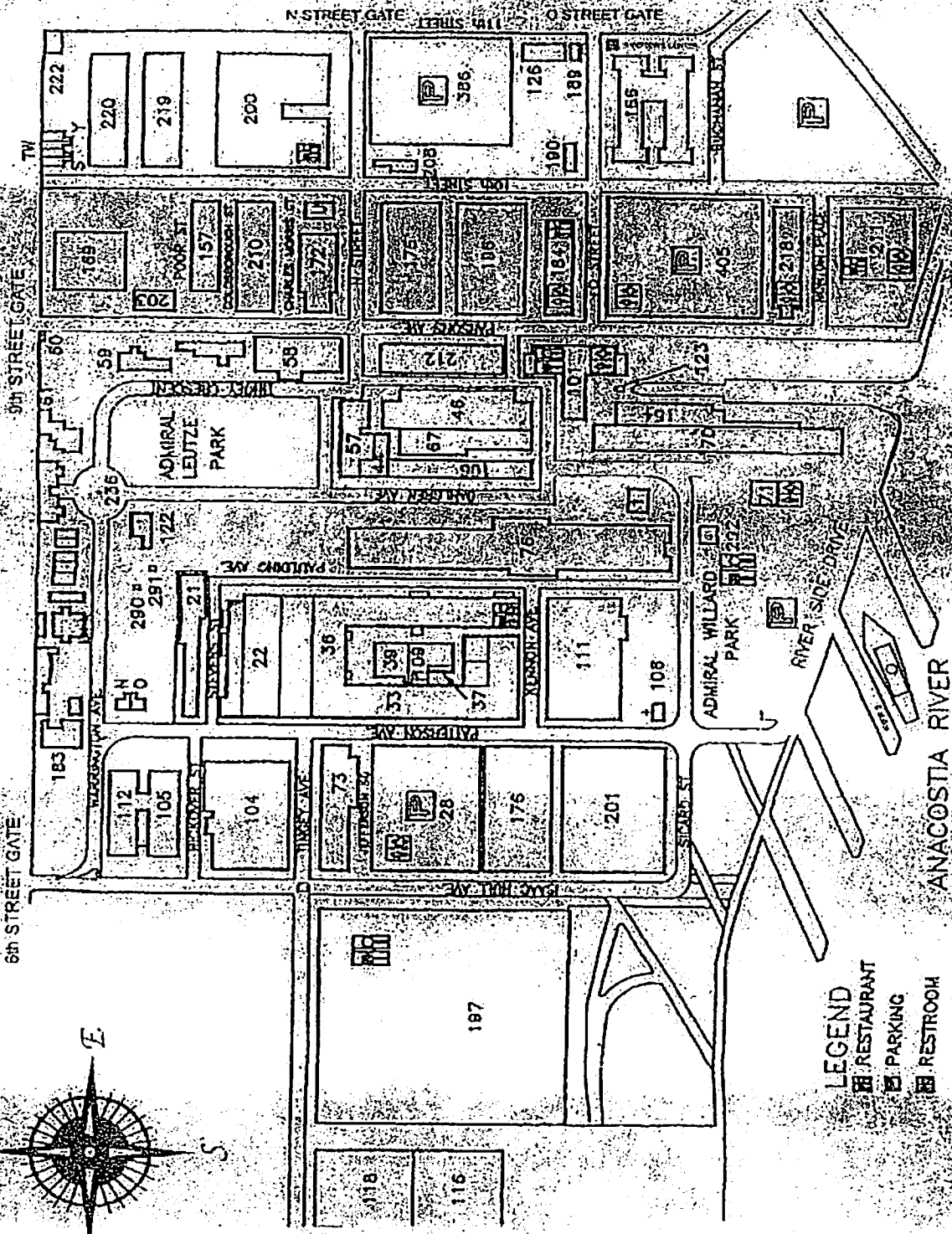
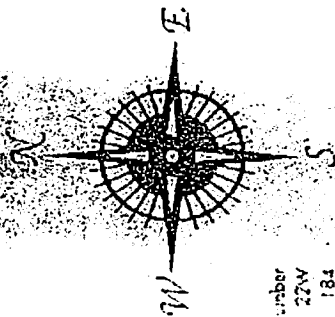
DAYS INN  
CRYSTAL CITY  
2000 JEFFERSON DAVIS HIGHWAY  
ARLINGTON VA  
(703) 920-8600

DOUBLETREE  
300 ARMY NAVY DRIVE  
ARLINGTON VA  
(703) 416-4100

CRYSTAL CITY MARRIOTT  
1999 JEFFERSON DAVIS HIGHWAY  
ARLINGTON VA  
(703) 413-5500

Enclosed is a map giving direction to the parking garage on the Washington Navy Yard.

# Washington Navy Yard



- | Building Number | Description                          |
|-----------------|--------------------------------------|
| 22W             | Adm. Gooding Center                  |
| 184             | Barber Shop                          |
| Pier 2          | Barry (DD-933)                       |
| 211             | Chemistry & Conference Center        |
| 106             | Chapel                               |
| 36              | William H.                           |
| 57              | Dudley Knox Center for Naval History |
| 200             | Dynalith, Donuts/Subway              |
| 70              | Experimental Model Basin             |
| 22E             | Fitness Center                       |
| 184E            | McDonald's                           |
| 58              | Marine Corps Historical Center       |
| 197             | NAVSEA/Celexent                      |
| 76              | Navy Museum                          |
| 184             | Navy Exchange                        |
| 200             | NDW/Public Affairs                   |
| 157             | Optical Tower                        |
| 203             | Post Office                          |

Town Center Bldg. 22

- Almond Fire Cafe
- ATM Bank
- Bank of America
- Bechtel/Chickens Authority
- Clayton Jinks
- Florio
- GNC
- GrubHub
- Surveys
- Starbucks