



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

BAN
Docket No. 02264-12
13 February 2013



This is in reply to your request for reconsideration on your application to BCNR dated 20 February 2013.

A review of our files reveals that in February 2012, you petitioned BCNR seeking a change to your record to reflect that you were promoted to E4 vice E-3 in 1964.

On 4 June 2012, after careful consideration of your request, the Board heard your case and found insufficient evidence of an error or injustice that would warrant the relief you sought. You were sent a letter on 25 June 2012 and your case was denied.

On 16 July 2012, you requested, reconsideration of that decision. A case may be reconsidered only upon submission of new and material evidence not previously considered that would have a direct impact on the prior decision. New evidence is defined as evidence not previously considered by the Board and not reasonably available to you at the time of your previous application. Evidence is considered to be material if it is likely to have a substantial effect on the outcome of the prior Board's decision. Although at least some of the evidence you submitted was new, it was not material. In other words, even if your information was presented to the Board, the decision would have inevitably been the same. Therefore, you were sent another letter stating that your reconsideration was not appropriate at that time and that it was regretted that the facts and circumstances of your case were such that a more favorable reply cannot be made. This letter was sent to you at the address listed on your application on 9 August 2012.

You then sent another letter dated 5 September 2012, requesting another reconsideration and you still have not provided any new or material evidence to warrant a change to your record.

Therefore, in the future, any further correspondence regarding this matter, without new or material evidence will not be considered. Your next course of action is the federal court system.

I regret that the circumstances are such that a more favorable determination cannot be made.

Sincerely,


W. DEAN PFEIFFER
Executive Director