



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

JDR
Docket No: 10560-14
17 March 2015

5 U.S.C. 552(b) (6)

Dear 5 U.S.C. 552(b) (6)

This is in reference to your latest reconsideration request dated 6 August 2014. You previously petitioned the Board and were advised in our letter of 28 January 2004 that your application had been denied.

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 3 March 2015. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application and any material submitted in support of your application.

The Board also considered your diagnosis of post-traumatic stress disorder (PTSD) in light of the Secretary of Defense's September 3, 2014 guidance to Boards for Correction of Military records regarding discharge upgrade requests by veterans claiming PTSD. The Board liberally considered whether your PTSD was a causative factor in the misconduct that resulted in your separation. After full and careful consideration of the matter, the Board determined that there was insufficient evidence in the record to support a conclusion that a causal relationship with the PTSD symptoms and misconduct existed. Specifically, the Board concluded that your misconduct was not caused by your PTSD and further determined that, even if there was a nexus between the PTSD and the misconduct, the severity of the misconduct would substantially outweigh any mitigation created by your PTSD. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by

the Board prior to making its decision in your case. 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,

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director