



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

EGA
Docket No: 11609-14
29 June 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 22 October 2014. You previously petitioned the Board on several occasions and were advised in our letters that your applications had been denied.

Although your application was submitted without any new evidence not previously considered, the Board found it in the interest of justice to review your application. 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 26 June 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.

After careful and conscientious consideration of the entire record, the Board determined that the statements you provided and assertion of post-traumatic stress disorder (PTSD) as a reason for your misconduct, even though not previously considered by the Board, was insufficient to establish the existence of probable material error or injustice.

Your assertion of PTSD was carefully considered by the Board in light of the Secretary of Defense's Memorandum "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post-Traumatic Stress Disorder" of September 3, 2014. The Board was unable to substantiate your claims of PTSD at the time of your misconduct and you provided no evidence other than a post service PTSD diagnosis. Based on the guidelines of the memo, the Board determined insufficient evidence exists for a finding of PTSD. In addition, it was their opinion that the seriousness of your misconduct outweighed any mitigation that would be offered by the PTSD. Accordingly, your application must

again be denied. In this regard, the Board found that your contentions are insufficient to warrant further consideration in your case. In the absence of sufficiently material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to initiate action, at no cost to the Board, to a court of appropriate jurisdiction.

Sincerely,

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

ROBERT J. O'NEILL
Executive Director