



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

TAL
Docket No: 11871-14/
9315-13
5 February 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 28 October 1988 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 4 February 2015. Documentary material considered by the Board consisted of your letter, any material submitted in support of your application, and your prior case file.

After careful and conscientious consideration of the entire record, the Board determined your correspondence including your RCS Client Information Record and letter from your veteran center counselor, even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board considered your diagnosis of post-traumatic stress disorder (PTSD) and military sexual trauma (MST) 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 and MST were causative factors in the misconduct that resulted in your separation. After a 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 and MST symptoms and misconduct exists. Specifically, the Board concluded that your possession of heroin and marijuana was not caused by your PTSD or MST and further determined that, even if there was a nexus between the PTSD, MST and drug possession, the severity of the misconduct would substantially outweigh any mitigation created by your PTSD or MST. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regrettable 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 record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,



ROBERT J. O'NEILL
Executive Director