



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

BJG
Docket No: 5598-14
24 September 2014

[REDACTED]

[REDACTED]

This is in reference to your reconsideration request dated 5 April 2014 with enclosures. You previously petitioned the Board and were advised in our letter of 21 July 2014, 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. Documentary material considered by the Board consisted of your application, any material submitted in support of your application, and your previous case file.

After careful and conscientious consideration of the entire record, the Board determined that the sleep study, Department of Veterans Affairs rating, and security clearance electronic mail you submitted, even though not previously considered by the Board, were insufficient to establish the existence of material error or injustice. The Board particularly noted that you have over 23 years of service and are eligible for a reserve retirement at age 60. The Board also noted that you are at high year tenure for a Sailor in pay grade E-7. The Board determined the evidence you provided was not enough to outweigh the Physical Fitness Assessment failure and non-recommendation for retention while you were on active duty. 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 records. Consequently, when applying for a correction of an official record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director