



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

[REDACTED]
Docket No: 534-16/
DEC 22 2016/53-14

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 15 January 2016. You previously petitioned the Board on 11 November 2013 and were advised in our letter that your application had been disapproved. Your case was reconsidered in accordance with Board for Correction of Naval Records procedures that conform to Lipsman v. Secretary of the Army, 335 F. Supp. 2d 48 (D.D.C. 2004).

Regarding your request for a personal appearance, Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

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 18 August 2016. 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 the new evidence you provided was insufficient to establish the existence of probable material error or injustice. Accordingly, your request again must be denied.

The Board, in its review of your application, carefully weighed all potentially mitigating factors such as your post-service conduct and successful civilian career, your assertion that you were immature at the time you used drugs, and your remorse for your actions. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case given the seriousness of your drug-related misconduct on active duty.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. In the absence of sufficient 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,

[REDACTED]

Executive Director