



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

[REDACTED]
Docket No: 02349-16/
05332-14

MAY 29 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 28 March 2016. You previously petitioned the Board and were advised in our letter of 14 May 2015, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 335 F.Supp.2d 48 (D.D.C. 2004).

The Board found it in the interest of justice to consider your request. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 13 February 2017. 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.

In regard to your request for a personal appearance, be advised that the Board regulations state 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 the record.

After careful and conscientious consideration of the entire record, the Board determined that you failed to provide new or material evidence. Your current petition claims that your general discharge characterization of service is unjust because your unauthorized absences were related to medical issues you suffered during your military service, and that the resultant markings you received were lower than they otherwise would have been because of the medical issues and absences. The Board found that your current petition is substantially similar to your previous claim of error or injustice. Your previous request was for an upgrade to your general characterization of service based in part on your claim that you lost working days due to medical conditions. The current Board noted that you again request an upgrade and again assert that your conduct marks were lower than they otherwise would have been because of your medical care and absences. You specifically state that you were prevented from graduating with Merit Blues and that but for the medical care, you would not have been disciplined for unauthorized absence.

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The current Board noted that your overall trait average was 2.8, and did not meet the requirement for an honorable characterization of service. The Board found that your personal statement did not provide sufficient evidence to establish an error or injustice that merits an upgrade to the general characterization of service. Accordingly, your application has again been denied.

In the absence of sufficient material evidence for reconsideration, the decision of the Board is final, and your only recourse is to initiate action, at no cost to the Board, to a court of appropriate jurisdiction.

Sincerely,

[REDACTED]

Executive Director