



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

[REDACTED]
Docket No: 3194-16/
7494-96

MAR 05 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 2 April 2016. You previously petitioned the Board and were advised in our letter of 9 April 1997, that your application had been denied. 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).

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 12 January 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.

You presented as evidence through counsel, a "Brief in Support of Application for Discharge Upgrade" with 10 Exhibits. Although this new evidence was not previously considered by the Board, the Board concluded that the arguments and evidence provided by your counsel alleging material error and injustice were not persuasive, and determined that the seriousness of your misconduct, to include two periods of unauthorized absence (one in excess of 435 days), while on active duty outweighed any matters in mitigation and extenuation that you provided. Accordingly, your application has been denied.

It is regrettable that the circumstances of your case are such that favorable action cannot be taken. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost the Board, to a court of appropriate jurisdiction.

Sincerely,

[REDACTED]
Executive Director