



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

[REDACTED]
Docket No: 3337-16/
10161-11

MAR 21 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 13 April 2016. You previously petitioned the Board and were advised in our letter dated 9 March 2009 that your application had been disapproved. A previous request for reconsideration submitted on 26 July 2011 was denied by our letter dated 7 October 2011. 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 was carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 19 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.

After careful and conscientious consideration of the entire record, the Board determined your new statements and evidence were insufficient to establish the existence of probable material error or injustice.

The Board gave liberal consideration to your new statements, evidence, post-service record and contention that you do not, nor did you, have a disorder or condition that hindered your ability to perform your duties. The Board also considered your contention that your enlistment was "literally a hasty act of desperation in a time of economic disparity" and when you realized the Navy "wasn't for you", that you followed your chief's guidance and discredited yourself so you could leave the Navy. Additionally, the Board considered your previous contentions that your adjustment disorder was not permanent but was grounded in financial difficulties and, since those difficulties have been remedied, you no longer suffer from an adjustment disorder. The Board also considered your contentions regarding your personality disorder and alcohol/drug remission diagnoses, lack of testing while in the service, and the letters from [REDACTED]. Lastly, the Board considered your post-service employment, education, and work accomplishments. However, the Board concluded these factors were not sufficient to warrant relief in your case because your assigned reentry code was authorized and in accordance with established regulations and guidelines at the time of your separation. The Board did not find evidence of an error or injustice that warrants changing the reentry code you received. Accordingly, the Board concurs with the previous Board decision and your application must again be denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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 to the Board, from a court of appropriate jurisdiction.

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

Sincerely,

[REDACTED]

Executive Director