



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

[REDACTED]
Docket No: 3424-16
FEB 27 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 14 April 2016, in which you requested to have your discharge upgraded. You previously petitioned the Board and were advised in our letter of 31 October 2006, 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).

Your current request has been carefully reconsidered and examined by a three-member panel of the Board for Correction of Naval Records sitting in executive session on 13 January 2017. The names and votes of the members of the panel will be furnished upon request. Although your application was not filed in a timely manner, your application was submitted with a new basis for relief not previously considered, and the Board found it in the interest of justice to consider your petition. In this regard, the Board considered your statement that you were prejudiced against by because of your age, you were not mentally stable, that you were threatened by your chain of command, that you acted in fear, and that you were made to "give in" because you were scared. 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 that the assertions you made, even though not previously considered by the Board, were insufficient to establish the existence of probable material error or injustice.

The Board noted that you received nonjudicial punishment on 11 July 2002 for the wrongful use of cocaine, and that you waived your right to appear before an administrative separation board (ADB). The Board concluded that the other than honorable characterization of service is supported by the wrongful use of a controlled substance, despite your youth and mental state at the time of your military service. Additionally, the Board found that neither the evidence you provided, nor your record supports a finding of threat or intimidation by your command. Finally, the Board also noted that the record shows that you were notified of and waived your procedural right to present your case to an ADB. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. Accordingly, your application has been denied.



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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,



Executive Director