



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

[REDACTED]  
Docket No: 3759-16 /  
12823-10  
JUN 16 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 21 April 2016. You previously petitioned the Board and were advised in our letter dated 21 September 2011 that your application had been disapproved. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 33 F. Supp. 2d 48 (D.D.C. 2004).

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. 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 11 April 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, character reference letters, and professional certifications.

After careful and conscientious consideration of the entire record, the Board determined that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed and considered all potentially mitigating factors, including your record of service and your contentions that your misconduct was caused by your youth and family problems and you are currently suffering from exposure to the contaminated water at Camp Lejeune. However, the Board found that these factors were not sufficient to warrant relief in your case given your special court-martial conviction (SPCM) and bad conduct discharge (BCD). In regards to the contention that your misconduct was the result of your youth and family problems, the Board recognizes that many service members are young at the time they enlist, however, the Board does not view a member's claim of youth or immaturity to be an excuse for committing misconduct. Finally, the Board also noted that there is no evidence in your record, and you submitted none, to support your contention of any family problems. Accordingly, your application has been denied.

Regarding your contention of being exposed to contaminated water, Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, requires the Veterans Administration to provide health care to Veterans with one or more of 15 specified illnesses or conditions. You should contact the nearest office of the Department of Veterans

Affairs (DVA) concerning your right to apply for benefits or appeal an earlier unfavorable determination.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the 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