



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

[REDACTED]
Docket No: 4081-16
2748-15
JUL 22 2016

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 6 May 2016. You previously petitioned the Board and were advised in our letter that your applications 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*, 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 5 July 2016. 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.

Regarding your request for a personal appearance, be advised that Board regulations state that 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 record.

You presented as evidence a brief from your counsel and a letter from the Navy Council of Review Boards (NDRB). Although this new evidence was not previously considered by the Board, the Board determined the seriousness of your misconduct, which resulted in three non-judicial punishment (NJP) and nonrecommendation for retention, outweighed any mitigating evidence that you provided. In this regard, the Board noted that NDRB changed your characterization of service, narrative reason, and separation code, in part, on your post service conduct. However, the Board concluded that the clemency you received from NDRB is sufficient and no further relief is warranted. Accordingly, your application has been denied.

It is regrettable that the circumstances of your case are such that the Board will not process any additional reviews and this matter is considered a final action. However, if you wish to continue to seek relief you will need to present your concerns to a court of appropriate jurisdiction.

Sincerely,



Executive Director
Acting