



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

[REDACTED]
Docket No: 6754-16/

OCT 31 2017¹1365-91

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 10 August 2016. You previously petitioned the Board and were advised in our letter 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*, 335 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 29 August 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 new evidence two personal letters, medical statements, and character letters. After careful and conscientious consideration of the entire record, the Board determined that the documentation that you provided, even though not previously considered by the Board, was insufficient to establish the existence of probable material error or injustice. A review of your recent application and its attachments reveal that again your request must be denied.

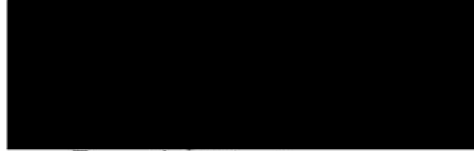
Regarding your contention that you had a great record in the Marine Corps prior to your discharge. The Board noted that a Marine's service is characterized at the time of discharge based on performance during the current enlistment. The Board also noted that the record shows that you were notified of and waived your procedural rights. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service.

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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director