



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

[REDACTED]
Docket No. 7672-16

JUN 06 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 26 August 2016. You previously petitioned the Board and were advised in our letter of 18 July 2016, 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).

The Board found it in the interest of justice to consider your request. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 2 February 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. The advisory opinion provided in BUMED memo 5740 Ser M34/16UM36051 dated 16 November 2016 was sent to you on 1 December 2016 for an opportunity to comment prior to being considered by the Board.

In your current petition you provided a letter from Edwin W. Hoeper MD dated 10 June 2012 that provided a diagnosis of chronic Post-traumatic Stress Disorder (PTSD) and major depression. The Board considered [REDACTED] letter and the advisory opinion by BUMED but ultimately agreed with the advisory opinion by BUMED. Specifically, the note from your mental health provider lacked sufficient detail to reconstruct your state of mind at the time of your offenses. The Board concluded that the new materials submitted, along with your records, were insufficient in determining whether you were experiencing symptomology of PTSD during your time in service which may have contributed to the unauthorized absences which ultimately resulted in your Bad Conduct Discharge. Accordingly, your application has again been denied.

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,



Executive Director