



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

[REDACTED]
Docket No: 1985-16
6890-88
JAN 09 2017

[REDACTED]
Dear [REDACTED]


This is in reference to your latest reconsideration request dated 3 March 2016. You previously petitioned the Board and were advised in our letter dated 13 June 1988 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).

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 September 2016. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You entered the Navy on 8 August 1983. On 23 January 1986, you were found guilty at a General Court-Martial for both conspiracy to hazard a vessel, and for willfully hazarding a vessel by willfully and wrongfully setting fire in a compartment of the [REDACTED]. You were sentenced to confinement to hard labor, reduced in rank to E-1, and a Bad Conduct Discharge (BCD). On 25 January 1988, after all levels of appellate review were complete, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your sincere regret for your actions. Nevertheless, the Board concluded that these factors were not sufficient to warrant relief in your case given the seriousness of your willful misconduct and reckless disregard for the safety of your fellow shipmates. Accordingly, your application has again been denied.


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It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, 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