



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

[REDACTED]
Docket No: 2921-16
JAN 27 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 16 September 2010 that your application had been denied. Your case was reconsidered in accordance with Board for 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 19 October 2016. Documentary material considered by the Board consisted of your Application for correction of Military Record (DD Form 149), any material submitted in support of your application, and your prior case file.

Regarding your request for a personal appearance, 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.

After careful and conscientious consideration of the entire record, the Board determined your DD Form 149 and letter even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board determined your contention that the stigma of learning of your adoption was the trigger for your misconduct was not enough to outweigh the significant misconduct you committed while on active duty. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regrettable 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 record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,

[REDACTED]
Executive Director