



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

Docket No: 3103-16
OCT 17 2017

Dear [REDACTED]

This is in reference to your latest reconsideration request dated 7 April 2016. You previously petitioned the Board on 8 December 2008 and were advised in our letter dated 11 September 2009 that your application had been disapproved. 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 27 July 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. In addition, the Board considered the advisory opinion (AO) furnished by the Bureau of Medicine and Surgery (BUMED), dated 9 June 2017, a copy of which was previously sent to you on 14 June 2017.

You presented as evidence a new statement, medical records, and a Board of Veterans' Appeals decision dated 23 December 2014. Although this new evidence was not previously considered by the Board, the Board determined the seriousness of your misconduct while on active duty outweighed any mitigating evidence that you provided.

In deciding whether to grant relief, your assertion that you suffered from PTSD was fully and carefully considered by the Board in light of the Secretary of Defense's Memorandum, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder" of September 3, 2014. The Board substantially concurred with BUMED's advisory opinion. The Board determined, even applying liberal consideration, there is insufficient evidence for a diagnosis of PTSD while in-service. Accordingly, your reconsideration request has been denied.

In your current request, you also requested that your awards, time in a combat zone, and campaign assignments be listed on your Certificate of Release or Discharge from Active Duty.

Please be advised that your request is not under the purview of this Board, but under the cognizance of Commander, Navy Personnel Command (PERS-312), 5720 Integrity Drive, Millington, TN 38055-3120.

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