



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

[REDACTED]
Docket No: 3809-16/

MAR 27 2017¹⁴⁸³⁻⁹²

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 18 April 2016. You previously petitioned the Board and were advised in our letter dated 19 October 1992 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 19 January 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.

After careful and conscientious consideration of the entire record, the Board determined your new statement and evidence were insufficient to establish the existence of probable material error or injustice.

The Board gave liberal consideration to your new statement and medical documentation. The Board concluded these mitigating factors were not sufficient to warrant relief in your case because of the overall seriousness of your misconduct that resulted in five separate non-judicial punishments and multiple Page 11 counselling entries for substandard performance. Accordingly, the Board concurs with the previous Board decision and your application must again be denied.

Regarding your assertion, Public Law 112-154, Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, requires the Veterans Administration to provide health care to Veterans with one or more of 15 specified illnesses or conditions. You should contact the nearest office of the Department of Veterans Affairs concerning your right to apply for benefits or appeal an earlier unfavorable determination.

It is regretted that the circumstances of your case are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon 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.


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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