



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

[REDACTED]
Docket No: 3996-16/
11034-93
MAY 04 2017

[REDACTED]
Dear [REDACTED]


This is in reference to your latest reconsideration request dated 20 April 2016. You previously petitioned the Board on 25 August 1993 and were advised in our letter dated 7 November 1994 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 9 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.

After careful and conscientious consideration of the entire record, the Board determined the new evidence you provided was insufficient to establish the existence of probable material error or injustice. A review of your recent application reveals that again your request must be denied.


The Board gave liberal consideration to your statement, the Article 138 complaint documentation you submitted, and your contentions that you were a top-notch sailor with an impeccable record before you were falsely convicted and wrongly discharged. The Board also considered the previously submitted evidence and service record documents. However, the Board concluded that these factors were not sufficient to warrant setting aside the findings and recommendation of your administrative discharge board (ADB). Accordingly, the Board concurs with the previous Board decision and your application must again be 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.


Docket No: 3996-16/
11034-93

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