



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

[REDACTED]
Docket No: 4004-16
NOV 16 2016

[REDACTED]

Dear [REDACTED]

This is in reference to your latest reconsideration request dated 3 May 2016. You previously petitioned the Board and were advised in our letter of 3 April 2013 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*, 335F.Supp.2d 48 (D.D.C 2004).

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. 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 8 July 2016. 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.

Although the post service post-traumatic stress disorder (PTSD) diagnosis you submitted was previously considered, the Board reconsidered this evidence under the most current Department of Defense guidance on PTSD claims. After careful and conscientious consideration of the entire record, the Board determined that the new statements you provided and evidence of post service treatment for PTSD were insufficient to establish the existence of probable material error or injustice. The Board gave liberal consideration to your PTSD assertion, but concluded that these factors were not sufficient to warrant relief in your case, given the seriousness of your misconduct, which included an extended period of unauthorized absence (UA) and failure to report for your requested administrative discharge board (ADB).

Your assertion of PTSD was 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. However, after a review of the entire record and the circumstances surrounding your separation, the Board found insufficient evidence to support your assertion that PTSD may have caused your misconduct. As a result, the Board was unable to substantiate your claims of PTSD at the time of your misconduct and it was their

opinion that the seriousness of your misconduct outweighed any mitigation that would be offered by the PTSD. Accordingly, the Board concurs with the previous Board decision and your application has been denied.

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. New evidence is evidence not previously considered by the Board prior to making its decision 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director