



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

[REDACTED]
Docket No. 4258-16
8185-06
JUN 12 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 6 May 2016. You previously petitioned the Board and were advised in our letter of 3 August 2007, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to *Lipsman v. Secretary of the Army*, 335 F.Supp.2d 48 (D.D.C. 2004).

The Board found it in the interest of justice to consider your request. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 24 March 2017. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, 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 that while your request contains new information not previously considered by the Board, specifically your statement and your degrees, the Board did not find the existence of an error or injustice warranting corrective action. You were discharged with an under other than honorable conditions (OTH) discharge in lieu of trial by court-martial. The Board found in reviewing your service record that you did not display the mannerism and attitude of a perspective Drill Instructor that you claim you wanted to become, as evidence by your many discipline problems, to include admitting to drug use. Accordingly, your request has been 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.

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