



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

[REDACTED]
Docket No: 4384-16

/10975-02

MAY 25 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 15 October 2003 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*, 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 22 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 for Correction of Military Record (DD Form 149), any material submitted in support of your application, and your prior case file.

After careful and conscientious consideration of the entire record, the Board determined your DD Form 149 and letter, even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board determined your explanation of events that led up to your misconduct and desire to upgrade in your characterization to be eligible veterans' programs was not enough to outweigh the significant misconduct you committed while on active duty which resulted in an NJP, an SCM and a period of unauthorized absence lasting 315 days.

The Board believes that you are eligible for veterans' benefits which accrued during your prior period of service. However, your eligibility is a matter under the cognizance of the Department of Veteran Affairs (DVA). In this regard, you should contact the nearest DVA office concerning your rights, specifically, whether or not you are eligible for benefits based on your periods of service. Accordingly, your application has been denied.

It is regrettable 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 decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, it is

important to keep in mind that a presumption of regularity attaches to all official record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director