



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

[REDACTED]  
Docket No: 6884-16/  
4762-09/  
OCT 20 2017 8-08

[REDACTED]  
Dear [REDACTED]

This is in reference to your reconsideration request received on 3 August 2016. You previously petitioned the Board in 2008 and 2009, and were advised in our letters of 6 November 2008 and 13 May 2009, respectively, 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).

Because your application was submitted with a new assertion not previously considered, the Board found it in the interest of justice to review your most recent application on this new claim. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 7 July 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, any material submitted in support of your application, and relevant portions of your naval record.

After careful and conscientious consideration of the entire record and after considering your claims that the discharge characterization you received was too harsh for the misconduct you committed, the Board determined that there was insufficient information to establish the existence of probable material error or injustice. The Board noted that you did not provide any new or material evidence with your current petition to support your claim that the other than honorable discharge characterization you received upon your separation from the Marine Corps on 6 February 1984, was unduly harsh for the misconduct of drug abuse. The Board noted that you take responsibility for the wrongful use of a controlled substance while on active duty, but found that the seriousness of the drug use while in active duty status warranted the other than honorable discharge. A review of your recent application reveals that again your request must be denied. In this regard, the Board considered your statement that you were young, immature and that you have regretted the misconduct since you were discharged from the Marine Corps. The Board again concluded that you did not provide sufficient information to establish that an error

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or injustice occurred and that your record merited correction. Accordingly, your application 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,

[REDACTED]  
Executive Director