



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

[REDACTED]  
Docket No: 7434-16/  
9401-14  
NOV 07 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 17 August 2016. You previously petitioned the Board and were advised in our letter that your applications had been disapproved. 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).

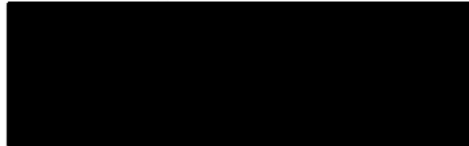
Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 19 September 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, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations and policies.

You presented as evidence a personal statement. You stated that your lawyer took advantage of your youth and told you to accept a bad conduct discharge (BCD) vice accepting a general discharge. The Board noted that there is no evidence in your record, and you submitted none, to support your contention. The Board also noted that after your special court-martial conviction, you waived restoration to duty and requested immediate execution of the BCD. After careful and conscientious consideration of the entire record, the Board determined that the statement that you provided, even though not previously considered by the Board, was insufficient to establish the existence of probable material error or injustice. A review of your recent application and its attachments reveal that again your request must 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.

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