



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

[REDACTED]
Docket No: 7468-16/
6439-10
NOV 17 2016

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration request dated 23 April 2015. 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.Supp.2d 48 (D.D.C 2004).

Accordingly, your request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 13 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, any material submitted in support of your application, an Advisory Opinion (AO) from the Chief, Bureau of Medicine and Surgery dated 3 May 2017, which was previously provided to you

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your desire to change your characterization of service and your contention of post post-traumatic stress disorder (PTSD) during the time of your service which might have mitigated the misconduct that caused your Other Than Honorable (OTH) discharge, that your discharge was unjust, and that you were not given adequate medical attention. The Board concurred with the reasoning in the AO and concluded that these factors were not sufficient to warrant relief given your misconduct which resulted in three nonjudicial punishments. In this regard, the Board concluded that the seriousness of your misconduct outweighed your desire to upgrade your characterization of service.

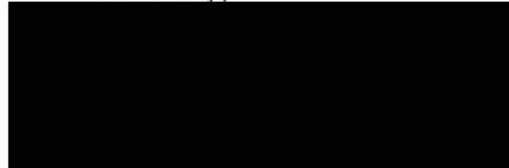
Your assertion of PTSD was carefully considered by the Board in light of the Secretary of Defense's Memorandum "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post-Traumatic Stress Disorder" of September 3, 2014. The memorandum recognizes provides supplemental guidance to assist these Boards in reaching fair and consistent results when

considering whether medical or other evidence indicates PTSD may have contributed to or mitigated the circumstances of a veteran's discharge from the military. In reviewing a veterans request to change the characterization of service, the memorandum instructs Boards to give liberal consideration to service treatment or other records documenting symptoms now recognized as PTSD existed during the time of service. Special consideration is given to Department of Veterans Affairs (VA) determinations documenting PTSD or PTSD-related conditions connected to military service. However, the Board concluded that the statements you provided, the AO furnished by BUMED which was previously discussed were not enough to substantiate that you suffered from PTSD at the time of your discharge. 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,



Executive Director