



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

[REDACTED]
Docket No: 7619-16/
137-15

JUL 12 2017


[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 23 August 2016. You previously petitioned the Board and were advised in our letter of 14 January 2016, 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).

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 19 April 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 and any material submitted in support of your application.

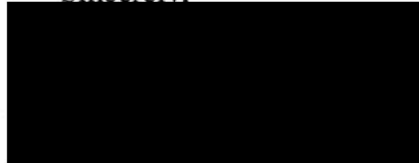
After careful and conscientious consideration of the entire record, the Board determined that the statements you provided, even though not previously considered by the Board, were insufficient to establish the existence of probable material error or injustice. In this regard, the Board considered your statement that you were an immature kid at the time of your misconduct and that you would like your discharge characterization upgraded during your lifetime. Furthermore, the Board reviewed the information you provided, including your driver's license and your work as a therapy aide for Rehab Services. The Board determined that even in light of your youth at the time of your misconduct and your post-service contributions your other than honorable characterization of service was warranted because of the two summary court martial convictions. The Board found that your request for discharge in lieu of trial was granted without error or injustice. 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.


Docket No: 7619-16/
137-15

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