



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

[REDACTED]  
Docket No: 8056-16  
/11546-14  
NOV 20 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 20 November 2015 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 11 October 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

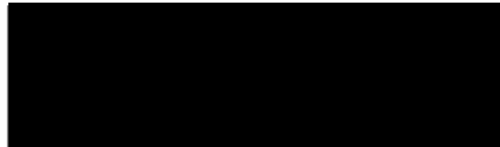
After careful and conscientious consideration of the entire record, the Board determined your correspondence including the statement from [REDACTED] dated 22 January 2013, even though not previously considered by the Board, was insufficient to establish the existence of material error or injustice. The Board determined your contention that you were the victim of racism and abuse of rank from your Caucasian command was not enough to outweigh the significant misconduct you committed while on active duty that resulted in a special court-martial. The Board noted there is no evidence in your record that racial discrimination was a factor for you committing larceny and wrongful appropriation. 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