



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

[REDACTED]
Docket No: 8212-16
DEC 11 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 13 September 2016. You previously petitioned the Board and were advised in our letter of 3 August 2015, 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 new evidence not previously considered, the Board found it in the interest of justice to review your most recent application based on the new evidence provided. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 18 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.

Your contention that you suffered from PTSD was fully and 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 Requested by Veterans Claiming Post Traumatic Stress Disorder" of 3 September 2014 and the "Clarifying Guidance to Military Discharge Review Board and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment" memorandum of 25 August 2017.

After careful and conscientious consideration of the entire available 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 regarding a severe head injury that you received when you were a child, and your contention that you suffered from moderate to severe Post Traumatic Stress Disorder (PTSD) that stemmed from an abusive childhood. The Board reviewed the 14 August 2016 medical notes from Veterans Affairs that you submitted in support of your application. The notes indicate that you sought psychiatric services as a result of a court-

related issue. The notes also reflect that you report being struck by a vehicle when you were a child. The Board noted that you did not provide information that reflected service-connected PTSD or a service-connected brain injury. The Board considered your childhood as a mitigating factor for the misconduct you exhibited while in the Navy. The Board found that even in consideration of your personal challenges, that your three nonjudicial punishments for various infractions, including wrongful use of marijuana, supported the other than honorable characterization of service that you received. Lastly, the Board determined that you did not provide information that established that your administrative discharge was executed with 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.

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