



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

[REDACTED]
Docket No: 291-17/

270-13
JAN 25 2018

[REDACTED]

Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 17 October 2013 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 10 January 2018. 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. In addition, the Board considered the advisory opinion (AO) furnished by the Bureau of Medicine and Surgery, dated 18 July 2017 (enclosed).

Your contention that you suffered from post-traumatic stress disorder (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.

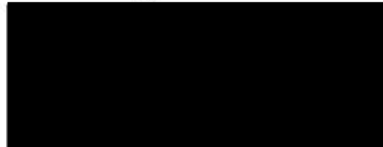
After careful and conscientious consideration of the entire record, the Board determined your correspondence including the rebuttal documentation and the statement of your regular therapy and medication management at the [REDACTED] Family Counseling and Health Center, even though not previously considered by the Board, were insufficient to establish the existence of material error or injustice. The Board determined that your contention that you suffered with PTSD, while serving in the Navy, was not enough to outweigh the significant misconduct you committed and request for discharge. The Board concluded that there is insufficient evidence to support your contentions that you had service connected PTSD which contributed to your

misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 solid black rectangular box redacting the signature of the Executive Director.

Executive Director