



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

██████████
Docket No. 377-17

FEB 12 2018

████████████████████

Dear ██████████

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by the Board on 25 June 1997.

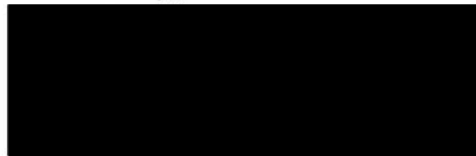
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 January 2018. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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. In addition, the Board considered the advisory opinion contained in BUMED ltr 5740 Ser M34/17UM34359 of 6 Nov 2017; a copy of which was provided to you. However, after careful and conscientious consideration of the entire record, the Board determined that while your request does contain new information not previously considered by the Board, it does not warrant relief. Accordingly, your request has been denied.

The Board carefully considered your arguments that you were suffering from a bipolar disorder that caused your misconduct and led to your administrative separation. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, the Board substantially concurred with the advisory opinion contained in BUMED ltr 5740 Ser M34/17UM34359 of 6 Nov 2017. Specifically, the Board determined that there was insufficient evidence of a nexus between your current diagnosis of bipolar disorder and the misconduct you committed in 1991. The Board agreed with the BUMED medical opinion that your conduct could be explained by evidence of alcohol abuse that exists in your record. The Board concluded that the strong evidence of alcohol abuse and misconduct, commencing in 1989, is the more reasonable basis for your misconduct in 1991. Since the Board concluded that alcohol abuse led to your misconduct, it determined you were ineligible for disability processing since alcohol abuse is not a compensable disability and your misconduct processing would have superseded any disability processing. Accordingly, the Board determined no error or injustice exists in your case.

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