



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

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Docket No: 568-17 /
4484-09
APR 08 2017

Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 1 June 2010 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).

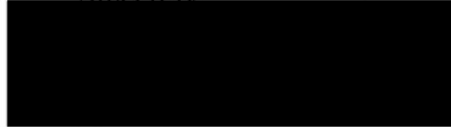
Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 8 March 2017. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application, any material submitted in support of your application, and your prior case file.

After careful and conscientious consideration of the record, the Board determined that the documentation that you provided, even though not previously considered by the Board, was insufficient to establish the existence of probable material error or injustice. A review of your recent application reveal that again your request must be denied. The Board determined your contention that you had a heart murmur and couldn't adjust to military standards was not enough to outweigh the significant misconduct you committed while on active duty.

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