



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

[REDACTED]
Docket No: 4897-17/2264-16

Docket No: 5527-17/1056-16

NOV 14 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your latest reconsideration requests dated 7 April 2016. You previously petitioned the Board and were advised in our letters dated 1 July 2016 (Docket No: 1056-16) and 3 February 2017 (Docket No: 2264-16) that your applications were disapproved. Your case was reconsidered in accordance with Board for Correction of Naval Records procedures that conform to Lipsman v. Secretary of Army, 335 F. Supp. 2d 48 (D.D.C. 2004).

Your current requests have been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 25 August 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 and any material submitted in support of your application.

You presented as new evidence witness statements to corroborate your contention that the 6105 entry and the contested fitness report are unjust. The Board also considered your argument that had you known the 6105 counseling entry was being issued on behalf of your Commanding Officer, you would have signed it, and that the 6105 counseling entry that was presented to you is not the same entry that is in your official military personnel file (OMPF). Although your new evidence was not previously considered by the Board, the Board concluded that you did not sufficiently demonstrate an injustice warranting removal of the contested 6105 counseling entry or the contested fitness report. The Board concluded that removing the 6105 counseling entry and/or the contested fitness report from your OMPF would be unfair to your peers, against whom you will compete for promotions and assignments. 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

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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,

[REDACTED]

Executive Director