



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 101  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No: 5647-17/  
8409-15  
MAR 05 2018

[REDACTED]  
Dear [REDACTED]


This is in reference to your latest reconsideration request received 27 June 2017. You previously petitioned the Board and were advised in our letter dated 15 December 2016 that your application was disapproved. Your case was reconsidered in accordance with Board for Correction of Naval Records procedures that conform to Lipsmann v. Secretary of Army, 335 F. Supp. 2d 48 (D.D.C. 2004).

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session 14 February 2018. 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 evidence your contention that your nonjudicial punishment (NJP) imposed on 14 April 2011 shows up in Federal Bureau of Investigation background checks and results in you being denied government clearances and banning from entering Canada. The Board found that you did not sufficiently substantiate that the NJP was improperly imposed or that the long-term consequences of receiving the NJP are unjust. 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.

  
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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,

  
Executive Director