



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 100
ARLINGTON, VA 22204-2490

Docket No: 6650-17/
6118-15
FEB 22 2018

Dear [REDACTED]

This is in reference to your latest reconsideration request received 4 August 2017. You previously petitioned the Board and were advised in our letter dated 22 August 2016 that your application had been disapproved. 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 7 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, and the advisory opinion (AO) provided by Headquarters, Marine Corps (MMPR-2) dated 30 October 2015, a copy of which was previously furnished to you and is enclosed.

You presented as evidence your contention that your promotion pass overs were unjust because you were medically discriminated against in your fitness reports, and that your fitness reports were not corrected until you were medically separated. 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 failures of selection by FY12 and FY13 Staff Sergeant Promotion Selection Boards or to grant a remedial promotion board for either FY12 or FY13. In this regard, the Board found that the comments and recommendation previously provided in the AO are also applicable to your reconsideration case. Specifically, you did not take action in correcting your record, prior to the convening of the promotion selection board.

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

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.
