



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

[REDACTED]  
Docket No. 6684-17

MAR 05 2018

[REDACTED]  
Dear [REDACTED]

This is in reference to your recent reconsideration request. You previously petitioned the Board and were advised in our letter of 8 July 2016 that your application received partial relief. 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 (BCNR), sitting in executive session on 29 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.

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.

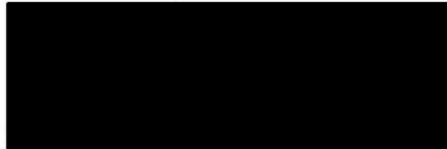
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and your contentions that you never indicated that your misconduct was a result of PTSD because you reported PTSD after you were discharged, your poor rating was incorrect, Vice Admiral Bennet wrote a letter about your exemplary performance during the same time frame as your poor rating, you received high scores on your EPR, the offense dated 24 September 1992 was not addressed to you, you believe that it was erroneous and falsified because you were no longer in supply, and you feel your one day of failure to report for duty is not indicative of your character.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board concluded that your contentions do not support the documentation in your service record. Absent of such evidence, the Board relied upon the presumption of regularity. Additionally, the Board supported the decision by the last Board to upgrade your case on the basis of clemency. Therefore, the Board felt that there is no basis which to grant further relief. 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.

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