



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

[REDACTED]
Docket No. 6859-17
FEB 25 2018

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by the Board on 18 October 2005.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 February 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. However, after careful and conscientious consideration of the entire record, the Board determined that while your request does contain new information not previously considered by the Board, it does not warrant relief. Accordingly, your request has been denied.

The Board carefully considered your arguments that you deserve a disability discharge from the Navy. You assert that you went into an extended unauthorized absence status while on active duty to care for your mother who was suffering from seizures. In addition, you provided a number of character statements that evidenced your post-discharge good character. Unfortunately, the Board was unable to find any evidence to support the relief you request. Specifically, the Board found no evidence in your record or application which supports a finding that you were unfit for continued naval service due to a disability at the time of your discharge. So, even if the Board were to overlook the fact you did not qualify for disability processing based on your punitive discharge from a Special Court-Martial, there was no evidence on which to grant a disability discharge. Accordingly, the Board determined no error or injustice exists in your case.

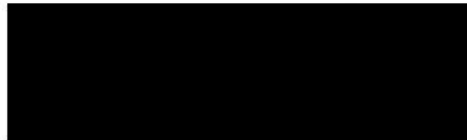
The Board was pleased to see evidence of your continued post-discharge good character. While this evidence was ultimately determined to be insufficient to grant the relief you seek from this

Board, you should be proud of your accomplishments and the knowledge that you have become such a valued member of your community. The Board wishes you continued success in your future endeavors.

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