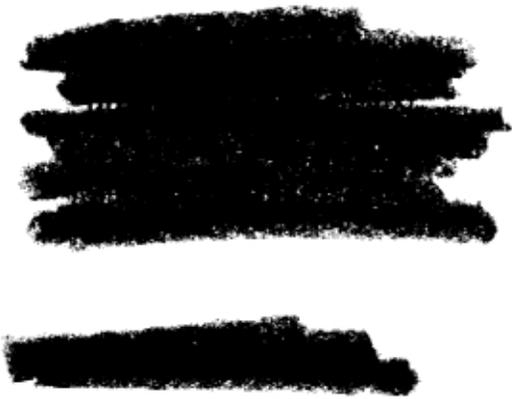




DEPARTMENT OF THE NAVY
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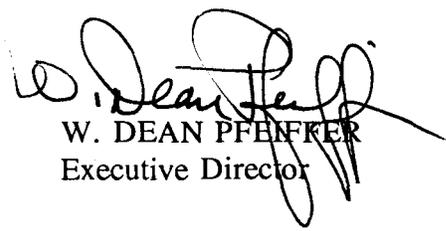
MEH:mh
Docket No: 5296-99
20 October 1999



This is in reference to your interest, as counsel, in the case of [REDACTED]

Enclosed is a letter addressed to your client informing her that her application has been denied. It is requested that you transmit the denial letter to Ms. Trudeau, a copy of which is enclosed for your records.

It is regretted that a more favorable reply cannot be made.

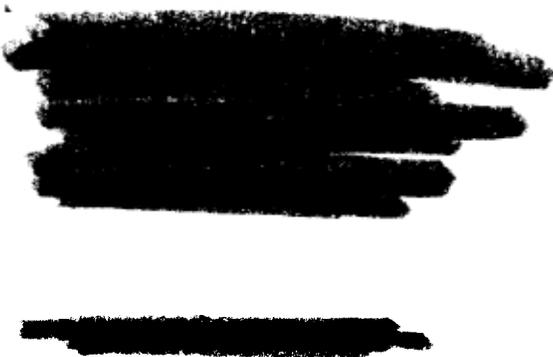

W. DEAN PFEIFFER
Executive Director

Enclosures



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MEH:ddj
Docket No: 5296-99
19 October 1999



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 October 1999. 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, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1533 MPE of 15 August 1997, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Based on the Department of Defense definition of sexual harassment in SECNAVINST 5300.26B the Board concluded that your disenrollment was not based on sexual harassment or discrimination. Nor did they deem there to be an overall pattern of harassment or discrimination against you based on your gender. Accordingly, your application requesting that reimbursement of your tuition costs be waived has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board.

Docket No: 5296-99

In this regard, 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,

W. DEAN PFEIFFER
Executive Director

Enclosure