



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3238-09
26 March 2010



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 23 March 2010. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Navy on 6 May 1969 and served for about 175 days without disciplinary incident. However, on 28 October 1969, you received nonjudicial punishment (NJP) for wrongfully possessing and altering a military identification card. The punishment imposed was extra duty for two hours, reduction in rate, and forfeiture of one day of pay.

The record reflects that you continued to serve without further disciplinary incident, and on 13 May 1972, you were honorably released from active duty within three months of your term of obligated service. On 5 May 1975, upon completion of your required active service, you were honorably discharged.

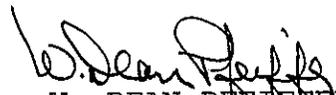
Regulations governing the issuance of a Good Conduct Medal, which were in effect during your period of service, state in part, that a Sailor must serve three or more continuous years of active

service **without** any court-martial convictions, NJP, lost time, or civil conviction to warrant entitlement to a Good Conduct Medal. In this regard, your period of continuous active service was interrupted when you received NJP on 28 October 1969, thus starting a new date for continuous service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your overall satisfactory service and desire to be issued a Good Conduct Medal. Nevertheless, the Board concluded these factors were not sufficient to warrant a Good Conduct Medal because of your noneligibility for such an award due to your misconduct, which resulted in NJP. Accordingly, your application has been denied.

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. 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