



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

TJR  
Docket No: 7980-13  
12 September 2014

[REDACTED]

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 3 September 2014. 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 Marine Corps and began a period of active duty on 6 July 1977. You served for about a year and two months without disciplinary incident, but during the period from 7 September 1978 to 17 July 1979, you received nonjudicial punishment (NJP) on seven occasions for misbehavior as a sentinel, three specifications of disrespect, conduct prejudicial to good order and discipline, wrongful possession of marijuana, and a seven day period of unauthorized absence (UA). You were also counselled on numerous occasions regarding deficiencies in your performance and conduct.

Subsequently, you were processed for an administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights, on 15 November 1979, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due frequent involvement of a discreditable nature with military authorities. On 6 February 1980, the discharge authority approved the this recommendation

and directed separation under other than honorable conditions by reason of misconduct, and on 26 February 1980, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, brief period of satisfactory service during which you assert that you were awarded a Good Conduct Medal, and assertion that you were told that you would receive a general discharge which would entitle you to benefits. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in seven NJPs and repeated counselling regarding your substandard performance. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, there is no evidence in the record, and you submitted none, to support your assertion regarding receiving a general discharge. Accordingly, your application has been denied.

Contrary to your assertion of being awarded a Good Conduct Medal, be advised that there is no documentation in your record which supports the premise that you completed a four year term of service without disciplinary incident/infracton which would entitle you to such a medal. With that being said, the notation on your Certificate of Discharge or Release from Active Duty (DD Form 214) does not show that you received a Good Conduct Medal, but only sets forth the starting date for the next period of the award.

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,



ROBERT J. O'NEILL  
Executive Director