



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

[REDACTED]
Docket No: 2076-16
APR 18 2017

[REDACTED]
Dear [REDACTED]

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 January 2017. 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.

You enlisted in the Marine Corps and began a period of active duty on 9 March 1973. You served for about four months without disciplinary incident, but during the period from 26 July 1973 to 31 December 1975, you received nonjudicial punishment (NJP) on four occasions and were convicted by special court-martial (SPCM). Your offenses were failure to obey a lawful order, unauthorized absence (UA) from your unit, using disrespectful language and deportment toward a noncommissioned officer, wrongfully soliciting another Marine to steal a dependent identification card, wrongfully possessed stolen identification card and wrongfully made a false military dependent identification card. You remained on active duty until 1 September 1976, when you were released from active duty and transferred to the Marine Corps Reserve under honorable conditions at the expiration of your obligated service, based on your disciplinary record and conduct mark average. Additionally, your characterization of service is based in part on your conduct average computed from marks assigned on a periodic basis. Your conduct mark average was 3.9. At the time of your service, a conduct mark average of 4.0 was required for a fully honorable characterization of service.

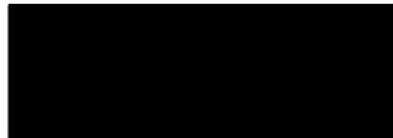
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade and your assertions that your discharge, name,

rank, age and Good Conduct Medal are not correct. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in four NJPs, an SPCM, and failure to attain the required average in conduct. Accordingly, your application has been denied.

Regarding your assertions that name, rank, and age are not correct. You provided no documentation to support your assertions that these items are not correct. You further stated that you would like your Good Conduct Medal. Your record reflect only the commence date of the Good Conduct Medal as 760202, which only means that three years from that date you would be eligible to receive such award. Additionally, the Good Conduct Medal is awarded to any active-duty enlisted member who completes three consecutive years of honorable service without any non-judicial punishment, disciplinary infractions, or court martial offenses. If a service member commits an offense, the three-year mark resets and a service member must perform an additional three years of service without having to be disciplined, before the Good Conduct may be awarded.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. 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 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,



Executive Director