



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

█  
Docket No: 7176-20  
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 19 October 2021. 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 the 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. The Board also considered the 23 August 2021 advisory opinion (AO) furnished by Navy Personnel Command (PERS-312). The AO was provided to you on 6 September 2021 and you were given 30 days in which to submit a response.

A review of your service record reveals that you began a period of active duty in the Navy on 17 June 1974. You were honorably discharged on 16 June 1978.

The Board carefully considered your request to be awarded the National Defense Medal (NDSM), to be advanced to the rank of E-5 (AMH2), to correct your official military personnel file (OMPF) to show that you graduated from █ High School on 5 January 1976, to correct your DD-214 to reflect additional military education, and to be awarded the Navy Good Conduct Medal.

The Board concurred with the PERS-312 AO recommendations. The AO stated that you are eligible to receive the NDSM and that a DD-215 will be issued to correct the error. The Board noted that you left active duty on 16 June 1978; consequently, you did not warrant advancement to E-5 as it was supposed to take effect a month after your release, on 16 July 1978. The Board

further noted that your high school diploma states a graduation date of 12 June 1975 not 5 January 1976; thus, the Board determined your record will not be modified regarding your graduation date. You did not provide with your petition any documentation showing additional military education; thus, the Board decided no additional information regarding military education will be added to your DD-214. Lastly, you underwent non-judicial punishment (NJP) on 31 October 1974; there is insufficient evidence of material error or injustice warranting removal of the NJP. Consequently, you did not meet the four-year period of continuous active service with no NJP convictions prior to being released from active duty on 16 June 1978. The Board thus concluded that a Good Conduct Medal is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

11/20/2021

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Executive Director

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