



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

[REDACTED]
Docket No: 6902-16
DEC 1 5 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your reconsideration request received on 3 August 2016. You previously petitioned the Board and were advised in our letter of 24 July 2013, that your application had been denied. Your case was reconsidered in accordance with Board of Correction of Naval Records procedures that conform to Lipsman v. Secretary of the Army, 335 F.Supp.2d 48 (D.D.C. 2004).

Because your application was submitted with new information not previously considered, the Board found it in the interest of justice to review your most recent application based on the new assertions provided. In this regard, your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records on 18 September 2017. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application and any material submitted in support of your application.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to its understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The Board reviewed and considered your request for an upgrade to your discharge, your new statement, and statements from your mother and former spouse. After careful and conscientious consideration of the entire available record, the Board determined that the statements you provided, even though not previously considered by the Board, were insufficient to establish the existence of probable material error or injustice. In this regard, the Board considered your contentions that you requested a family hardship discharge, you sought the support of your political representative, that several documents supporting the hardship request were missing from your record, that several merits were missing from your military record, that the Marine Corps did not look favorably on you having a wife, your assertion that you were unjustly punished "twice" through nonjudicial punishment (NJP) proceedings. Lastly, The Board considered the mitigating factors of your youth and your family circumstances at the time of

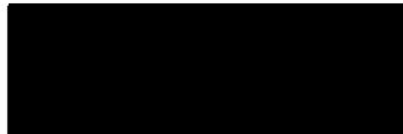
your military service, but concluded that your discharge was issued without error or injustice. Accordingly, your application has been denied.

Regarding your statement that "the only positive thing listed is the Good Conduct Medal I received." The Board noted that 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. 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 reconsideration petition are such that favorable action cannot be taken again. 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 the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director