



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

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Docket No. 5405-24
Ref: Signature Date

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Dear Petitioner:

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 August 2024. The names and votes of the panel members 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their 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.

You enlisted in the Navy and began a period of active duty on 27 August 1969. On 25 August 1970, you were assigned a mark of 2.0 in professional performance because of your lack of interest and reliability in performance of your assigned duties. You were also assigned a mark of 2.0 in military behavior as a result of your unwillingness to follow orders and your disrespect of authority towards your senior petty officers. On 20 August 1973, you were honorably discharged by reason of released from active duty and transferred to the Navy Reserves.

On 15 May 2024, The Navy Personnel Command (PERS-312) conducted a review of your record and determined that you were not entitled to be awarded the Navy Good Conduct Medal due to a mark of 2.0 in military behavior.

The Board carefully weighed all factors in your case, including your desire to be awarded the Navy Good Conduct Medal and have your DD Form 214 reflect your participation in an operation conducted near the country of Jordan. You contend that your VFW Post Commander believes you are entitled to the Navy Good Conduct Medal, and you need proof of your involvement in a foreign conflict to become eligible for the VFW. For the purpose of clemency and equity, the Board considered the evidence you provided in support of your application.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found insufficient evidence that you were entitled to the Navy Good Conduct Medal. In making its findings, the Board concurred with PERS-312. Specifically, the Board agreed that you were not entitled to the Navy Good Conduct Medal based on your assigned 2.0 conduct marks. Further, the Board determined that a DD Form 214 does not authorize the documentation of individual military operations. While the Board carefully considered the evidence you provided in support of your application, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

The Board thanks you for your Honorable and faithful service to this country.

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,

9/13/2024

