



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

TAL  
Docket No: 1289-14  
30 July 2015

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [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.

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. 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, began a period of active duty on 23 March 1970, and served without disciplinary incident until 7 April 1971, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. Subsequently, on 1 February 1972, you were convicted by special court-martial (SPCM) of failure to obey a lawful order/underage drinking, damage to government property, and wrongful appropriation of an automobile/Jeep. About seven months later, on 11 September 1982, you received your second NJP for disrespect.

On 1 October 1973, you were apprehended and held in confinement by civil authorities. As a result, on 17 December 1973, you were convicted by civil authorities of grand theft auto and sentenced to confinement for 60 days and probation for three years. Following your release from civil confinement, you returned to

military custody. Shortly thereafter, on 9 April 1974, you were honorably released from active duty, transferred to the Marine Corps Reserve, and assigned an RE-3D reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to remove "lost time" from your record and be issued a Good Conduct Medal. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of your misconduct in both the military and civilian communities. The Board noted that the severity of your misconduct, which included confinement and/or your absence from the Marine Corps, outweighed the mitigation of your desire to have lost time removed from your record or be issued a Good Conduct Medal. Finally, the Board concluded 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 a Good Conduct 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. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director