



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1502-01
24 August 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, filed enclosure (1) with this Board requesting, in effect, that the characterization of his discharge be changed.
2. The Board, consisting of Messrs. Neuschafer, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 22 August 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
 - c. Petitioner enlisted in the Marine Corps on 29 December 1969 at age 19. His general classification test (GCT) score was 66, which placed him in mental group IV.

d. Petitioner served on active duty for a period of one month and 20 days. During this period Petitioner was not the subject of any disciplinary actions.

e. On 3 February 1970, after undergoing a medical examination, Petitioner was recommended for an administrative separation by reason of unsuitability due to enuresis and defective attitude. On 11 February 1970 an aptitude board recommended a general discharge by reason of unsuitability.

f. On 18 February 1970, prior to the completion of recruit training, and in pursuant to the recommendation of an aptitude board, Petitioner was discharge by reason of unsuitability. In accordance with directives which were then in effect, Petitioner was issued a general discharge.

g. On 29 December 1976 the Secretary of Defense announced a change in policy and authorized honorable discharges for service members administratively separated during recruit training because of marginal performance or minor disciplinary infractions.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board's finding is based on Petitioner's overall record of military service and particularly the remedial changes in policy which became effective after his discharge. Accordingly, the Board concludes that relief in the form of recharacterization is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that Petitioner was honorably discharged on 18 February 1970 vice issued a general discharge on the same day.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 27 February 2001.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



FOR W. DEAN PFEIFFER
Executive Director