



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

TJR
Docket No: 1530-01
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 Navy, filed enclosure (1) with this Board requesting a change in the characterization of service assigned upon his release from active duty.

2. The Board, consisting of Messrs. Neuschafer, Pfeiffer, and Zs Salman 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 Navy on 1 December 1982 at the age of 19.

d. On 15 March 1983 Petitioner received nonjudicial punishment (NJP) for failure to obey a lawful order and was awarded extra duty for seven days and a \$321 forfeiture of pay.

e. On 11 July 1983 Petitioner submitted a written request for an humanitarian reassignment in order to provide care for his family. On 2 November 1983 the Commander, Naval Military Personnel Command (NMPC) determined that Petitioner's situation should be considered as a long term hardship. Accordingly, NMPC disapproved his request for reassignment but directed Petitioner's release from active duty by reason of hardship.

f. On 25 November 1983 Petitioner was released from active duty and transferred to the Naval Reserve under honorable conditions. At the time of his release from active duty, Petitioner's conduct average of 1.8 was below the average mark of 3.0 required for a fully honorable characterization of service.

g. On 30 November 1987, upon completion of Petitioner's obligated military service, he was issued an honorable discharge certificate.

h. With his application, Petitioner has submitted letters attesting to his good post service conduct.

CONCLUSION:

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

The Board notes the minor nature of Petitioner's misconduct and does not condone his infractions. The Board also notes Petitioner's insufficiently high conduct average of 1.8. However, the Board's finding is based on Petitioner's documented hardship, the relatively minor nature of his misconduct, and his good post service conduct. Based on the foregoing the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to fully honorable 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 he was honorably released from active duty and transferred to the Naval Reserve on 25 November 1983 vice the separation under honorable conditions 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.

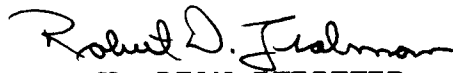
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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