



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

TRG
Docket No: 3147-00
26 September 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his record be corrected to show an honorable discharge vice the good discharge issued on 3 December 1943.

2. The Board, consisting of Mr. Harrison, Mr. Rothlein and Mr. Geisler, reviewed Petitioner's allegations of error and injustice on 25 September 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, 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 Petitioner's application 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. The Board was unable to obtain Petitioner's naval record and conducted its review based on service record pages he submitted. Those pages show that he enlisted in the Naval Reserve on 4 November 1943 and reported for active duty on 11 November 1943. He was issued a "Good" discharge on 3 December 1943 due to an approved report of a board of medical survey. At that time he was issued an honorable service button.

d. Petitioner states that he developed an ear infection

while in recruit training and was discharged.

e. Regulations in effect at the time required the issuance of a good discharge when an individual was discharged due to an approved report of a board of medical survey. Such a discharge was not considered derogatory in any manner. However, it currently is considered as equivalent to a general discharge, which may have a derogatory connotation. In 1976 the Secretary of Defense directed a change in policy to authorize the issuance of honorable discharges to individuals such as Petitioner who were discharged due to failure to complete recruit training. The current policy requires an uncharacterized entry level separation for individuals who fail to complete training.

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 changes in policy which occurred after his discharge and believes that no useful purpose is now served by the good discharge. Therefore, the Board concludes that the discharge should now be recharacterized to honorable.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 3 December 1943 he was issued an honorable discharge by reason of a Report of Medical Survey vice the good discharge now of record.

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

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.

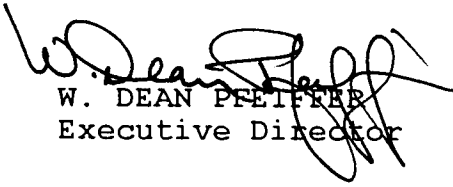
ROBERT D. ZSALMAN
Recorder



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 Regulations, 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.



W. DEAN PEIFFER
Executive Director