



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

ELP  
Docket No. 3363-01  
12 October 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting, in effect, that his naval record be corrected to show a more favorable discharge than the general discharge issued on 21 December 1967.

2. The Board, consisting of Messrs. Ensley, Lippolis, and Shy reviewed Petitioner's allegations of error and injustice on 11 October 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 Petitioner's application to the Board 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 July 1966 for a minority enlistment at age 17. The record reflects that he was advanced to SN (E-3) and served without incident until December 1967, when the Psychiatric Service at Naval Hospital, San Diego, recommended to the commanding officer that Petitioner be separated. A general discharge was recommended because Petitioner failed to make a proportional effort with regard to his rate and capabilities due to his poorly controlled hostility, impulsive and immature judgment, and failure to adjust to the military.

d. On 21 December 1967 Petitioner received a general discharge by reason of unsuitability due to a character and behavior disorder. Neither the character and behavior disorder diagnosis nor the discharge processing documentation are on file in the record.

e. Regulations, then in effect, authorized the discharge of enlisted personnel for unsuitability by reason of a character and behavior disorder. Individuals separated by reason of unsuitability received the type of discharge warranted by the service record. Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Petitioner's final military behavior and overall traits averages were both 3.6. Minimum average marks of 3.0 in military behavior and 2.7 in overall traits averages were required at the time of Petitioner's discharge for a fully honorable characterization of service.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner was advanced to SN and had no disciplinary actions in nearly 18 months of active service. The Board also notes that the discharge processing documentation is not on file in the record. Under standards in effect at the time, individuals separated for unsuitability received the type of discharge warranted by the service record. Accordingly, the Board concludes that it would be appropriate and just to recharacterize Petitioner's general discharge to fully honorable.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 21 December 1967 vice the general discharge actually issued on that date.

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 27 April 2001.

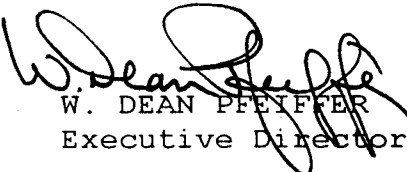
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 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 PFEIFFER  
Executive Director