



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

TRG
Docket No: 5117-00
7 March 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
(3) Subject's naval record

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 a better characterization of service than the ordinary discharge by reason of inaptitude issued on 3 December 1943.

2. The Board, consisting of Mr. McPartlin, Mr. Beckett and Ms. Newman reviewed Petitioner's allegations of error and injustice on 21 February 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 was inducted into the Navy on 30 June 1943 at age 20. On 14 October 1943, Petitioner's father requested that his son be discharged because he could not work, there were crops in the field and no one else to harvest them. This situation was confirmed by the Red Cross. Whether or not Petitioner was granted leave to harvest the crops cannot be ascertained from the record. On 15 November 1943, Petitioner's father again requested

discharge because crops needed to be cultivated for the next year.

d. Subsequently, Petitioner was evaluated by a doctor who found as follows:

... (He) is not a psychoneurotic or a psychotic. His mental intelligence is within normal limits, - his knowledge is restricted by his previous background. This man is not interested in the Navy and is not concerned with his country's objectives. I feel for the better of the service that this man should be recommended for an inaptitude discharge.

The next entry in the record shows that on 3 December 1943 he was issued an ordinary discharge by reason of inaptitude which was allowed by regulations then in effect. An ordinary discharge was considered to be under honorable conditions.

e. During his short period of service, Petitioner was only evaluated on one occasion and assigned a 4.0 mark in conduct. The Board is aware that current regulations require that individuals discharged for unsatisfactory performance after a short period of service receive either an entry level separation, or if they have served over 180 days, the type of discharge (honorable or general) warranted by the service record based largely on marks assigned during periodic evaluations. In this regard, Petitioner's mark of 4.0 in conduct would have qualified him for an honorable discharge.

MAJORITY CONCLUSION:

Upon review and consideration of all the evidence of record, the majority, consisting of Mr. McPartlin and Ms. Newman, concludes that Petitioner's request warrants favorable action. The majority notes his home situation, which was verified by the Red Cross, and the opinion of the doctor concerning his inaptitude. The majority concludes that no useful purpose is now served by the ordinary discharge and the discharge should now be recharacterized to honorable, as warranted by his service record.

MAJORITY RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of convenience of the government due to inaptitude on 3 December

1943 vice the ordinary discharge actually issued on that date.

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 June 2000.

MINORITY CONCLUSION:

Mr. Beckett disagrees with the majority and concludes that Petitioner's request does not warrant favorable action. He notes that Petitioner was properly discharged under regulations then in effect. He does not believe that Petitioner's home situation was much different from many others inducted into the Armed forces during World War II. He also notes the comments of the doctor that Petitioner was not concerned with his country's objectives. All of these factors, lead Mr. Beckett to believe that Petitioner could have served if he had wanted to. Therefore, he concludes that an ordinary discharge was appropriate and that application of current standards in this case is not warranted.

In view of the foregoing, the minority finds no injustice warranting corrective action.

MINORITY RECOMMENDATION:

That Petitioner's request be denied.

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.

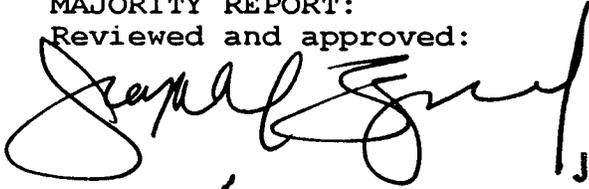
ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.


W. DEAN PFEIFFER

MAJORITY REPORT:
Reviewed and approved:



APR - 4 2001

JOSEPH G. LYNCH
Assistant General Counsel
(Manpower And Reserve Affairs)

~~MINORITY REPORT:
Reviewed and approved:~~