



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

CRS
Docket No: 714-01
13 April 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, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable type of discharge than the general discharge issued on 22 May 1999. Additionally, he requests that item 15a on his Report of Separation (DD Form 214) be corrected to show that he contributed to the Veterans' Educational Assistance Program (VEAP).

2. The Board, consisting of Messrs. Pfeiffer, Mackey, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 11 April 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 23 May 1995 at age 20. At that time he enrolled in the Montgomery GI Bill (MGIB).

d. The record reflects that Petitioner received two nonjudicial punishments. The offenses included an unspecified violation of Article 86 of the Uniform Code of Military Justice and use of a controlled substance. On 22 May 1999 Petitioner

received a general discharge by reason of expiration of term of service.

e. In accordance with Defense Department policy, character of service is based on one's individual overall traits average, which are computed from marks assigned during periodic evaluations. Taking all of his marks into account, Petitioner's individual overall trait average was 3.0. A minimum average mark required for a fully honorable characterization of service at the time of Petitioner's separation was 2.0 in individual overall trait average.

f. Petitioner states that he enrolled in the MGIB. Block 15a on the DD Form 214 pertains to VEAP and should be checked "no".

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board concludes that his general discharge should be recharacterized to honorable based on his individual overall trait average.

Although Petitioner has requested that block 15a on his DD Form 214 be changed to "yes", it is obvious that he was not enrolled in VEAP and the block should remain "no". Therefore, the Board concludes that this request should be denied.

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 issued an honorable discharge by reason of expiration of term of service on 22 May 1999 vice the general discharge actually issued on that date.


b. That no further relief be granted.

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

d. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 29 January 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