



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

ELP
Docket No. 5531-00
8 February 2002

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 Marine Corps, applied to 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 2 December 1962.

2. The Board, consisting of Messrs. Leeman, Rothlein, and Ivins, reviewed Petitioner's allegations of error and injustice on 6 February 2002 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 Marine Corps on 3 December 1954 for three years at age 17. At the time of his enlistment, he had completed eight years of formal education. The record reflects that he served without any disciplinary infractions, was advanced to CPL (E-4), and was honorably released from active duty on 2 December 1957 and transferred to the Marine Corps Reserve. He was recommended for reenlistment and awarded the Good Conduct Medal. However, he received a general discharge upon completion of his military obligation on 2 December 1962.

d. Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. The record reflects final conduct and proficiency averages of 3.8 and 3.5, respectfully. These averages were recorded on 2 December 1962 when he completed his military obligation. A recomputation of his marks show his conduct average was 3.8 and his proficiency average was 4.1 vice 3.5. A minimum average mark of 4.0 in conduct was required for a fully honorable characterization of service at the time of his discharge.

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's youth, limited education, unblemished disciplinary record, and promotion to CPL. Although there was a computation error, his conduct average warranted the issuance of a general discharge upon completion of his military obligation. However, the Board could find no basis for the low marks assigned during Petitioner's enlistment, especially when they did not appear to be consistent with an individual who was never disciplined during his enlistment and promoted to CPL seven months prior to his release from active duty, and was recommended for reenlistment. Accordingly, the Board concludes that it would be appropriate and just to recharacterize his general discharge to an honorable discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the record to show that he was issued an honorable discharge on 2 December 1962 vice the general discharge actually issued on

that date. This should include the issuance of an Honorable Discharge Certificate.

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

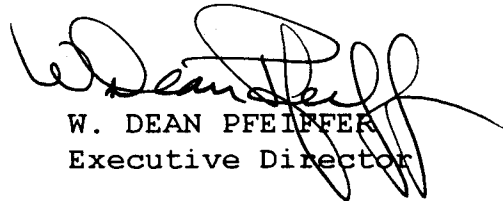
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 PFEIFFER
Executive Director