



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

ELP  
Docket No. 7301-01  
16 May 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 4 March 1955.

2. The Board, consisting of Messrs. Taylor, Geisler, and Mackey, reviewed Petitioner's allegations of error and injustice on 15 May 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 Corp on 25 May 1954 for four years at age 17. At that time, he had completed only eight years of formal education.

d. Petitioner served without incident until 30 November 1954 when he received nonjudicial punishment (NJP) for about a nine hour period of unauthorized absence (UA).

e. On 29 December 1954 Petitioner was admitted to a naval hospital with a provisional diagnosis of meningococccemia, which was changed to bronchopneumonia on 3 January 1955. When he recovered he was referred to the neuropsychiatric service for medical discharge due to enuresis. It was noted that during Petitioner's stay in the hospital he continued to wet the bed nocturnally, was tense, immature and anxious, and had no motivation for military duty.

f. On 15 February 1955 Petitioner received a second NJP for a five hour period of UA.

g. On 21 February 1955, a medical board of survey found Petitioner unfit for duty by reason of immaturity with symptomatic habit reaction (enuresis) and recommended discharge. Petitioner was advised of the board's findings and declined to submit a statement in his own behalf.

h. On 4 March 1955, Petitioner received a general discharge by reason of convenience of the government due to medical board of survey. On this date, Petitioner was assigned a mark of 3.8 in conduct.

i. Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Petitioner's final conduct and proficiency averages were 3.9 and 4.8, respectively. 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. The Board is influenced by his youth and immaturity, limited education, and notes that the two disciplinary actions during his short period of service were for relatively minor offenses. Although a minimum of mark of 4.0 was required for a fully honorable discharge, the Board believes that the low mark in conduct awarded on the date of discharge was arbitrarily assigned to preclude him from receiving a fully honorable characterization. The Board also believes that his neuresis was also contributing factor for the low mark in conduct. It is clear that to continue to stigmatize his service as under honorable conditions serves no useful purpose and that it would be appropriate and just to recharacterize his discharge to fully honorable.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by showing that he was issued an honorable discharge by reason of convenience of the government-medical board of survey on 4 March 1955 vice the general discharge actually issued on that date. This should include the issuance of a new DD Form 214.

b. That this 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 19 September 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.

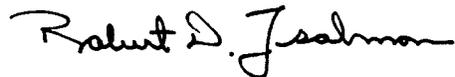
ROBERT D. ZSALMAN  
Recorder



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.



For W. DEAN PFEIFFER  
Executive Director