



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

TJR
Docket No: 7597-01
9 October 2002

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

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]

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

Encl: (1) DD Form 149 with 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 that the characterization of his discharge be changed.

2. The Board, consisting of Mr. McBride, Ms. McCormick, Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 8 October 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 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 enlisted in the Navy on 26 September 1978 at age of 18. At the time of Petitioner's enlistment he had completed 11 years of formal education. His Armed Forces Qualification Test (AFQT) score was 51, which placed him in Mental Group III.

d. During Petitioner's period of service he received nonjudicial punishment (NJP) on six occasions for 10 periods of absence from his appointed place of duty, sleeping on watch, possession of alcoholic beverages in quarters, five periods of unauthorized absence (UA) totalling seven days, communicating a threat, two specifications of disrespect, failure to obey a lawful order, two specifications of disobedience, and failure to go to his appointed place of duty.

e. Petitioner, after undergoing a series of mental health evaluations due to his multiple disciplinary problems, was diagnosed with an inadequate personality with a schizoid thought process. Nevertheless, Petitioner was found to be responsible for his misconduct, and as such he was recommended for an administrative separation.

f. On 15 July 1980 Petitioner received an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

g. On 5 September 1980, shortly after Petitioner's discharge, he was hospitalized for psychotic symptoms, and was subsequently diagnosed with paranoid schizophrenia and pharmacotherapy.

h. Attached to enclosure (1) is an advisory opinion (AO) from the Mental Health Services, Naval Medical Center, which recommends Petitioner request be granted. The psychiatrists concluded, in part, that after review of the record and mental health evaluations, Petitioner's diagnosed schizophrenia was a significant factor in the misconduct that led to his discharge, and Petitioner's characterization of service should be reconsidered. The AO stated, in part, as follows:

....there is sufficient evidence to reconsider the original diagnosis of a personality disorder, and to consider that Subject was manifesting symptoms of prodromal schizophrenia at the time of his pattern of misconduct. This disorder does not normally involve a pattern of misconduct, but the combination of diminished performance, odd perceptions and behavior, and paranoia was likely a significant factor, and limited his ability to conform to military standards and counselling. Had the diagnosed of prodromal schizophrenia been evident at the time of initial deliberation, it likely would have been considered a mitigating factor in determining the nature of the Subject discharge.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board's conclusion is based on Petitioner's youth and immaturity, limited education, and the nature of his misconduct. The Board does not condone Petitioner's misconduct, but agrees with the AO that the documented diagnosis of paranoid schizophrenia and pharmacotherapy shows Petitioner was in the prodromal phase of schizophrenia during the time of his service. In this regard, the Board concludes that Petitioner's paranoid schizophrenia is an extenuating factor in his misconduct.

Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under other than honorable conditions, and that recharacterization to a general discharge, as a matter of clemency, is now appropriate.

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 a general discharge on 15 July 1980 vice the other than honorable discharge actually issued on that same day.

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

c. That the Department of Veterans Affairs be informed upon request that Petitioner's application was received by the Board on 22 May 2001.

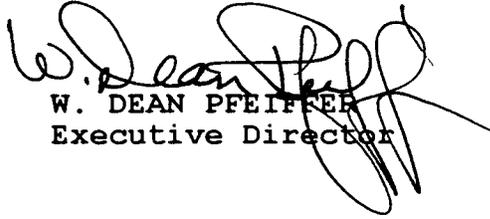
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 Regulation, 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