



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

CRS
Docket No: 8936-02
17 October 2003

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 Naval Reserve, 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 21 October 1945.

2. The Board, consisting of [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 October 2003 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 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 in the Naval Reserve on 6 December 1943. From February 1944 until 1945, he was either undergoing treatment or on limited duty as a result of rheumatic fever. He served without incident until 27 February 1945, when he received nonjudicial punishment for an unauthorized absence of about one hour. On 30 June and 17 October 1945, Petitioner received his only two marks in proficiency, both of which were a substandard 2.6. On 21 October 1945 he received a general discharge by

reason of expiration of term of service.

d. Characterization of service is determined, in part, by conduct and proficiency averages computed by marks assigned on a periodic basis. Petitioner's conduct and proficiency averages were 3.98 and 2.6, respectively. At the time of his service, averages of 3.25 in conduct and 2.75 in proficiency were required for a fully honorable characterization of service.

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 that Petitioner's disciplinary infraction was relatively minor in nature and did not significantly lower his conduct average. His substandard proficiency average resulted in the assignment of a general discharge. However, this average was based on only two marks. It appears to the Board that Petitioner's illness and treatment may have prevented him from performing duties and receiving marks in proficiency. Accordingly, the Board believes Petitioner has now been sufficiently punished by having a general discharge for more than 50 years. Given his satisfactory conduct, no useful purpose is served by continuing to characterize his service as less than fully honorable and the discharge should be recharacterized to honorable.

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 service on 21 October 1945 vice the general discharge 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 11 October 2002.

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

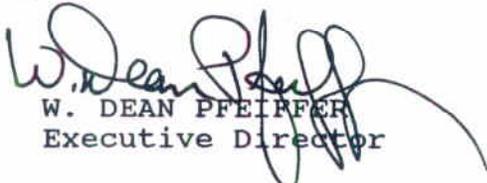


ALAN E. GOLDSMITH

Recorder

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