



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

JRE
Docket No. 01057-07
28 January 2008

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show that he was honorably discharged by reason of alcoholism rather than unfitness. He contends, in effect, that his misconduct was related to his untreated alcoholism, and that he became sober in 1973, and has a good record of post-service conduct and achievements.
2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED], reviewed Petitioner's allegations of error and injustice on 17 January 2008, and pursuant to its regulations, determined that the partial 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. Petitioner enlisted in the Navy on 27 October 1964. He received nonjudicial punishment on six occasions and was convicted by special court-martial. His offenses included

absence from place of duty, failure to obey orders, insubordinate conduct, provoking speeches or gestures, unauthorized absence, disrespect, assault, drunk in public, drunkenness, drunk and disorderly conduct and resisting apprehension. On 22 May 1968, he was separated from the Navy with an undesirable discharge by reason of frequent incidents of a discreditable nature with military authorities. He completed 3 years, 6 months and 6 days of creditable service, and completed a 13-month tour of duty in Vietnam as a medical corpsman.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner has failed to submit sufficient evidence to demonstrate that his discharge by reason of unfitness is erroneous or unjust, that he was unfit for service by reason of physical disability, or that he should have been discharged for medical reasons rather than unfitness. It concludes further that his service was appropriately characterized with an undesirable discharge, given his repeated acts of misconduct.

Notwithstanding the foregoing, the Board finds that the majority of Petitioner's misconduct was related to his intemperate use of alcohol. Although his misconduct should not be excused on that basis, it is significantly mitigated. Accordingly, and in consideration of his successful completion of a tour of duty in Vietnam good record of post-service conduct and achievements over the past three decades, it would be in the interest of justice, as a matter of clemency, to upgrade his discharge to general.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was separated from the Navy on 22 May 1968 with a general discharge under honorable conditions, vice with the undesirable discharge under other than honorable conditions he actually received on that date.

b. That so much of his request for corrective action as exceeds the foregoing be denied.

c. That a copy of 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



JAMES R. EXNICIOS
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