



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

TJR
Docket No: 8072-07
3 October 2008

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

Subj: REVIEW NAVAL RECORD OF [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 Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 October 2008 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 9 September 1987 at the age of 18.

d. During the period from 30 March to 29 September 1989 Petitioner received nonjudicial punishment (NJP) on four occasions for misbehavior as a sentinel and three periods of absence from his appointed place of duty.

e. On 2 October 1989 Petitioner was referred for a psychiatric evaluation because of his depressive neurosis, suicidal behavior, and experiencing a nervous breakdown. He was diagnosed with occupational problems and a borderline personality disorder with passive aggressive features, and recommended for an administrative discharge.

f. Subsequently, Petitioner was processed for discharge by reason of convenience of the government due to the diagnosed personality disorder. The discharge authority directed a general discharge by reason of convenience of the government due to personality disorder, and on 16 October 1989, he was so discharged. At that time he was also assigned an RE-4 reenlistment code due to his disciplinary record.

g. Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. An average of 3.0 was required at the time of his discharge for a fully honorable characterization of service. Petitioner's average mark, at the time of discharge, was 2.7 and was insufficiently high to warrant 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 partial favorable action.

The Board finds that Petitioner's conduct average was insufficiently high to warrant a fully honorable characterization of service and concludes that the general discharge of record was appropriate. However, Petitioner was processed for discharge by reason of convenience of the government due to personality disorder and that his Certificate of Discharge or Release from Active Duty (DD Form 214) incorrectly reflects his narrative reason for separation as "misconduct-pattern of misconduct." Therefore, the Board concludes that Petitioner's narrative reason for discharge should be changed to reflect the correct reason for discharge.

In view of the foregoing, the Board finds the existence of an injustice warranting the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was discharged on 16 October 1989 by reason of convenience of the government due to personality disorder vice by reason of misconduct due to a pattern of misconduct, on that same day.

b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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


BRIAN J. GEORGE
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