



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

SJN
Docket No: 00050-08
11 December 2008

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED]

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

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 United States Navy, filed enclosure (1) with this Board requesting that the general under honorable conditions characterization of his discharge be changed.

2. The Board, consisting of Ms. [REDACTED], Ms. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 9 December 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 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 and began a period of active duty on 24 August 1954 at age 17. At the time of his enlistment he had completed only seven years of formal education, and his general classification test (GCT) score was 29, which placed him in Mental Group V, the lowest 7% of the enlisted population.

d. During Petitioner's period of service he served without incident until 4 March 1955, when an Aptitude Board reported that he had a very poor school history, and had nine weeks of preparatory training but had been unable to do well on his weekly test or final examinations, which he failed twice. At that time, it was determined that his failures were apparently due to his inability to read. It was recommended that he be separated from the service. He received a general discharge on 11 March 1955.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board's finding is based on his youth and immaturity, limited education, inability to read, seven months of service without any disciplinary action, and post service conduct.

Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions and recharacterization to an honorable discharge is appropriate. Accordingly, the Board concludes that relief in the form of recharacterization of his discharge is appropriate.

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

RECOMMENDATION:

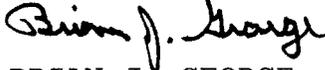
a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 11 March 1955 vice the general discharge actually issued on that same day.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

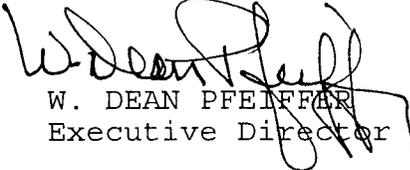
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 31 December 2007.

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