



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

SMS  
Docket No: 2156-08  
27 October 2008

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[REDACTED]

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

Encl: (1) Case Summary  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting an honorable discharge, vice the other than honorable (OTH) discharge that he received on 22 April 1992.

2. The Board, consisting of Ms. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 22 October 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. On 7 December 1989, Petitioner enlisted in the Navy at age 18. At that time, although he had completed 12 years of education, he attained below average test scores and had a reading level of 9.1. On 15 May 1990, he had nonjudicial punishment (NJP) for use of marijuana. He was retained, counseled, and received substance abuse treatment. On

27 February 1992, he had NJP for wearing civilian clothes while in the galley. He was subsequently warned that further infractions could result in administrative separation. On 3 April 1992, he had NJP for use of marijuana. Based on the information currently contained in the record, it appears that his commanding officer subsequently initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, Petitioner would have acknowledged the separation action and been given an opportunity to have his case heard by an administrative discharge board. Apparently, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 22 April 1992, he was so discharged. At that time, he had completed more than 22 months of sea service, attained overall trait and military behavior mark averages of 3.6, and was awarded the National Defense Service Medal and Sea Service Deployment Ribbon.

c. Regulations authorize issuance of an OTH characterization to service members who are discharged by reason of misconduct. Regulations also authorize issuance of a general characterization of service for such cases.

d. In his application, Petitioner states in essence that he understands why he had to be punished and regrets his actions. He further states that he has since matured, worked offshore for the past eight years, now has a family, and wants to be in a better position to provide for them.

#### CONCLUSION:

Upon review and consideration of all evidence of record, the Board concludes that Petitioner's request warrants partial relief. Specifically, the Board believes that his disciplinary actions were properly taken and his administrative separation met the requirements established by regulations. However, given his overall service record, mental aptitude, and overall trait and behavior mark averages of 3.6, the Board finds that an OTH characterization of service is not warranted. Therefore, as a matter of clemency, the Board concludes that his separation should be changed to a general discharge.

#### RECOMMENDATION:

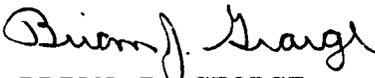
a. That Petitioner's naval record be corrected to show that he received a general discharge on 22 April 1992, vice the OTH discharge actually issued on that date.

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 by the Board on 3 March 2008.

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.

  
For W. DEAN PFEIFFER  
Executive Director