



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

TJR  
Docket No: 5249-08  
11 February 2009

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 Marine Corps, filed enclosure (1) with this Board requesting that the characterization of her discharge be changed.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 February 2009 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 Marine Corps on 21 February 1986 at age 17 and began a period of active duty on 8 December 1986.

d. Petitioner served without disciplinary incident. However, her record does reflect that she received counselling regarding her overall military appearance and performance due to her weight control failure. In this regard, the record reflects that during the period from 20 August 1989 to 5 November 1991 Petitioner failed to meet the required weight standards on three occasions.

e. On 13 November 1991 Petitioner was notified of pending administrative separation action by reason of convenience of the government due to unsatisfactory performance as evidenced by her failure to conform to weight standards.

f. Subsequently, Petitioner's commanding officer recommended she be issued a general discharge by reason of convenience of the government. This recommendation stated, in part, that she was using her weight control failures as a means to void her contract and avoid overseas assignment. On 10 January 1992 the discharge authority approved this recommendation and directed discharge under honorable conditions.

g. On 26 February 1992 Petitioner received a general discharge by reason of convenience of the government as evidenced by her unsatisfactory performance.

h. At the time of Petitioner's discharge her conduct and proficiency averages were 4.4 and 4.5, respectively. Character of service was based on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's conduct average of 4.4 was more than sufficiently high enough 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 favorable action.

The Board's decision is based on Petitioner's overall satisfactory service as shown by her serving without disciplinary incident, and her conduct and proficiency averages. The Board especially notes that Petitioner's conduct and proficiency averages exceeded the requirements for a fully honorable characterization of service. Based on the foregoing, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been less than fully honorable, and as such recharacterization to a fully honorable 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 she was issued an honorable discharge on 26 February 1992 vice the general discharge actually issued on that day.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

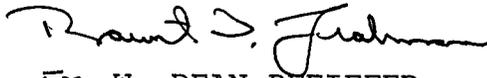
c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 30 May 2008.

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