



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

Docket No: 8907-08
2 April 2009

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 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 Marine Corps Reserve, filed an application with this Board requesting that his general discharge be recharacterized to an honorable discharge.

2. The Board, consisting of Mr. [REDACTED], Mr. [REDACTED] and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 24 March 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 Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and consider the application on its merits.

c. Petitioner enlisted in the Marine Corps Reserve on 13 July 1963 at age 19. In October 1963 he reported for an initial period of active duty for training and served until he was released from active duty on 4 April 1964 with an honorable characterization of service. On 9 July 1964 he was admitted to the hospital after he suffered a severed tendon in his right thumb. On 31 July and 16 September 1964 he was assigned marks of 3.5 in proficiency and conduct. He was then transferred to inactive status on 17 September 1964. On 18 August 1965 the Bureau of Medicine and Surgery found him not physically qualified for continued service due to the loss of function in the right

thumb of his dominant hand. On 29 October 1965 he received a general discharge.

d. Petitioner received a general discharge because the assignment of 3.5 marks on two occasions reduced his average mark in conduct to 3.9. A 4.0 average was required for a fully honorable characterization of service.

CONCLUSION:

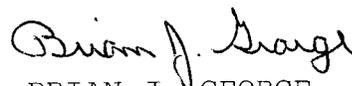
Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that he was assigned 3.5 marks on two occasions within about six weeks and believes that this probably occurred because he was unable to participate in reserve activities because of his injury. Even if a 3.5 mark could be justified, two of those marks within about six weeks was considered to be excessive. Given the circumstances, the Board believes that no useful purpose is now served by the general discharge and it should be recharacterized to an honorable discharge.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the change in the characterization of his service.

RECOMMENDATION:

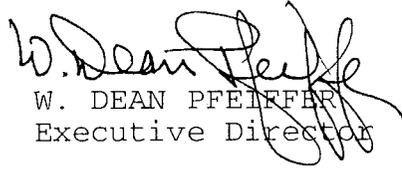
- a. That Petitioner's record be corrected to show that on 29 October 1965 he was issued an honorable discharge certificate vice the general discharge now of record.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's 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


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 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