



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

HD:hd

Docket No. 01809-09

7 May 2009

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

Subj: [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 dtd 3 Mar 09 w/attachments  
(2) PERS-913 memo dtd 10 Apr 09

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by amending the NAVPERS Form 1070/615 to show his discharge from the Naval Reserve on 5 March 2005 was "Honorable" rather than "Dishonorable," and that the reenlistment recommendation was "Recommended" rather than "Not Recommended." He also requested a new certificate of discharge.

2. The Board, consisting of Ms. Ballinger and Messrs. Mann and Trant, reviewed Petitioner's allegations of error and injustice on 7 May 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. In correspondence at enclosure (2), the Navy Personnel Command office having cognizance over the subject matter of this case commented to the effect that Petitioner's record supported no discharge characterization other than honorable. This

advisory opinion did not address Petitioner's request regarding the reenlistment recommendation.

c. Petitioner submits his final enlisted performance evaluation report for 16 November 2003 to 15 November 2004, which is adverse but recommends retention.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds an error and injustice warranting partial relief, specifically, change of the discharge characterization from "Dishonorable" to "Honorable" and issuance of a corrected certificate of discharge. The Board is unable to find the recommendation against reenlistment was erroneous, noting the adverse content of Petitioner's final evaluation. In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by modifying his NAVPERS Form 1070/615, page 2, to show "Type of Discharge" as "Honorable" vice "Dishonorable."

b. That he be issued a new certificate of discharge reflecting the corrected discharge type.

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.

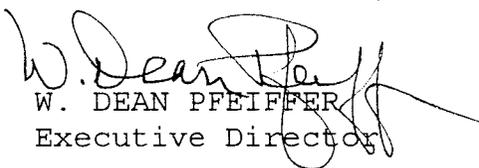
e. That the remainder of Petitioner's request be denied.

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

  
JONATHAN S. RUSKIN  
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