



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

CRS
Docket No: 7899-09
19 February 2010

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy
Subj: FORMER [REDACTED]; REVIEW
OF NAVAL RECORD

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

Encl: (1) Subject's naval record
(2) CNPC memo of 28 Oct 09

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting his naval record be corrected to show a change in characterization of service as well as the reentry code issued on 4 January 2008.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 13 January 2010 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 attached as enclosure (2) the Commander Navy Personnel Command (NPC) advised the Board, in effect, that Petitioner was incorrectly discharged by Petitioner's Reserve Center. Instead of receiving a discharge under other than honorable conditions he should have received a general discharge. The NPC also advised that the RE-4 reentry code should remain in effect as it is required by applicable regulations.

CONCLUSION:

Upon review and consideration of all the evidence of record, and in view of the contents of enclosure (2) the Board finds the existence of an injustice warranting the following correction with the exception of the RE-4 reentry code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 4 January 2008 that he received a general discharge by reason of unsatisfactory participation.

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

c. That no further relief be granted.

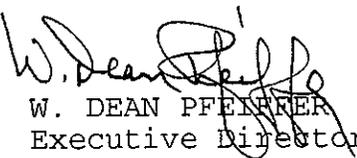
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. EXNICIOS
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