



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

BAN
Docket No: 00438-10
21 September 2010

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

Subj: REVIEW OF NAVAL RECORD OF [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) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting an honorable discharge vice the general characterization of service issued on 28 February 1973.

2. The Board, consisting of Messers. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 14 September 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. Petitioner enlisted in the Navy on 18 November 1969. Following basic training and during his service aboard the USS INDEPENDENCE, he was awarded a Meritorious Unit Commendation, and the National Defense Service Medal.

c. On 15 April 1971, while stationed aboard the USS INDEPENDENCE, Petitioner received nonjudicial punishment (NJP) for an unauthorized absence (UA) of six days. At this time, he requested, through his chain of command, a humanitarian reassignment to Orlando, Florida, to assist taking care of his parents and his siblings, both financially and physically. His division officer and commanding officer gave a favorable recommendation endorsing his request. However, in January 1972, the Enlisted Personnel Distribution Office, U.S. Atlantic Fleet, in Norfolk, Virginia, did not endorse the humanitarian discharge,

but rather, recommended a hardship discharge. On 10 February 1972, his request was disapproved by the Chief of Naval Personnel.

d. On 18 February 1973, Petitioner was separated due to the convenience of the government because of his personal and financial difficulties, and received a general discharge and an RE-4 reenlistment code. His overall trait average was 3.39, which is insufficient for an 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. Although the Board does not condone any infraction, and even though his overall trait average was 3.39, warranting a general discharge, his low final average was only due to his six-day UA to take care of his family. The Board also notes that his division officer believed he was an excellent worker and Sailor, and supported his request for a hardship discharge. Therefore, the Board concludes that the discharge should now be upgraded from a general characterization of service to an honorable discharge.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, as follows:

a. That Petitioner's naval record be corrected to show that he received an honorable discharge vice a general characterization of service on 28 February 1973.

b. 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.

c. 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.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that 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