



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

TAL
Docket No: 6434-10
20 January 2011

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) 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 Navy Reserve, filed enclosure (1) with this Board requesting to change the characterization of his discharge from indifferent to general.

2. The Board, consisting of Messrs. Garst, Grover and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 20 January 2011 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 Navy on 2 October 1943 and served until his separation on 26 October 1943 with no disciplinary infractions.

d. After undergoing the physical examination and induction process, Petitioner was determined to be unsuitable in accordance with an approved report of station aptitude board, having only three years of elementary school.

e. On 26 October 1943 Petitioner was issued an indifferent discharge under satisfactory conditions.

f. Indifferent discharges were no longer awarded after World War II. Under today's standards an individual discharged under the same circumstances as Petitioner would receive the type of discharge, either honorable or general, warranted by the service record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

Based upon Petitioner's overall satisfactory record of service the Board concludes that the characterization of service warranted by his service record is a general discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected showing that on 26 October 1943 he received a general discharge vice the indifferent discharge actually issued on that date.

b. That a copy of this Report of Proceedings be filed in 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 a quorum was presented 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.


W. DEAN PFEIFFER
Executive Director