



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3238-11
23 January 2012

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

Subj: REVIEW 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 United States Navy, filed enclosure (1) with this Board requesting characterization of his service upon his release from active duty.

2. The Board, consisting of Messrs. Exnicios, Pfeiffer, and Zsalman reviewed Petitioner's allegations of error and injustice on 19 January 2012 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 11 April 1968 at the age of 18 and began a period of active duty.

d. Petitioner's record reflects that during the period from 21 October 1968 to 2 September 1969 he received nonjudicial punishment (NJP) on five occasions for abandoning his watch, forgery, wrongful possession of an liberty card, six periods of absence from his appointed place of duty, and being out-of-bounds.

e. Subsequently, Petitioner was administratively processed for separation by reason of reduction in authorized strength. On 10 February 1970 Petitioner, while serving in paygrade E-1, was released from active duty by reason of reduction in authorized strength. At the time of his release, his conduct average of 1.73 was below the average mark of 3.0 required for a fully honorable characterization of service. On 10 April 1974, upon expiration of his enlistment, Petitioner received a general discharge.

CONCLUSION:

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

The Board initially notes the repetitiveness of Petitioner's misconduct, although minor in nature, and does not condone his infractions. The Board also notes Petitioner's insufficiently high conduct average of 1.73. However, the Board's finding is based on Petitioner's documented administrative processing for separation, specifically, reduction in authorized strength, and concludes that such processing requires a characterization of service that is warranted by his service record. In this regard, the Board concludes that his record of five NJPs, a conduct average of 1.73, and a recommendation for separation by reason of reduction in authorized strength were sufficient for a general characterization of service. Based on the foregoing the Board concludes that no useful purpose is served by continuing to not characterize Petitioner's service, and as such it should be characterized as general under honorable conditions.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

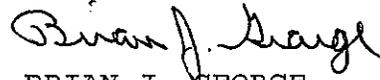
a. That Petitioner's naval record be corrected to show that he was released under honorable conditions by reason of reduction in authorized strength on 10 February 1970.

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

c. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 23 March 2011.

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 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 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