



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

SJN  
Docket No: 01075-12  
3 December 2012

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[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, filed enclosure (1) with this Board requesting a change in his other than honorable (OTH) characterization of his service be changed to fully honorable, that his narrative reason for separation (misconduct-pattern of misconduct) be change to "convenience of the government", and RE-4 (not recommended for reenlistment) reentry code.

2. The Board, consisting of Messrs. Zsalman and Storz and Ms. Countryman, reviewed Petitioner's allegations of error and injustice on 29 November 2012 and, pursuant to its regulations, determined that the limited 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 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 an began a period of active duty on 6 July 1990. On 11 February 1992, he received nonjudicial punishment (NJP) for dereliction of duty. He

received restriction, extra duty, and a reduction in paygrade. Further, he was counseled and warned that further misconduct could result in administrative discharge action. On 30 June 1992, he was counseled once again and warned of the consequences of further misconduct. On 2 September and 17 November 1992, he received NJP for two periods of unauthorized absence, disobedience, and drunk and disorderly conduct. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. He waived his rights to consult counsel, submit a statement or have his case heard by an administrative discharge board (ADB). His case was forwarded recommending that he receive a general discharge by reason of misconduct. The separation authority did not concur and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. He was so discharged on 11 December 1992. At that time, he was assigned an RE-4 (not recommended for reenlistment) reentry code. The RE-4 reentry code must be assigned to all Sailors discharged due to misconduct.

#### CONCLUSION:

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

In reaching its conclusion, the Board notes Petitioner's youth, time in service, and after careful and conscientious consideration of the entire record, including his three NJP's for relatively minor disciplinary infractions, it concludes that even though the OTH discharge was properly issued by the separation authority, the commanding officer's recommendation was a general characterization of service, who was able to observe his performance and conduct. The Board concludes that his record should reflect a general characterization of service. In view of the foregoing, the Board recommends the following limited corrective action:

#### RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 11 December 1992, he received a general discharge vice the OTH discharge actually issued on that date.
- b. That no further relief be granted
- c. That a copy of this report of proceedings be filed in Petitioner's naval record.
- d. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 26 January 2012.

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.



BRIAN J GEORGE  
Head, Discharge Section