



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

SJN
Docket No: 01082-12
2 October 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 Navy Reserve, filed enclosure (1) with this Board requesting an upgrade of his general characterization of service issued on 3 December 1945.
2. The Board, consisting of Messrs. Dixit, Pfeiffer, and Mr. Whalen, reviewed Petitioner's allegations of error and injustice on 2 October 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 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 Reserve and began a period of active duty on 24 June 1943 at age 17. On 25 February 1944 and 3 January 1945, he received nonjudicial punishment (NJP) for unauthorized absence (UA) and improper performance of duty. On 18 May 1945, he was convicted by general court-martial (GCM) of one day of UA and missing ship's movement. He was sentenced

to confinement, a reduction in paygrade and bad conduct discharge (BCD). The convening authority approved the sentenced but suspended the execution of the BCD for 12 months. On 4 September 1945, he received a third NJP for 41 hours of UA. The BCD was vacated and Petitioner was discharged with a BCD on 5 December 1945.

d. He served during World War II. On 2 March 1948, the Board for Correction of Naval Records (BCNR) changed his characterization of service to general under honorable conditions. Finally, the Board found that he reenlisted in the Navy Reserve in May of 1958 and again in May of 1963. He received an honorable discharge after completion of each enlistment.

CONCLUSION:

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

In reaching its conclusion, the Board notes Petitioner's youth, time in combat service, and after careful and conscientious consideration of the entire record, including his three NJP's for relatively minor disciplinary infractions and conviction by GCM, the Board particularly notes that even though the BCD was proper, this Board upgraded it to a general discharge in March of 1948. Based on Petitioner's overall record of military service during World War II, including over two years of service, post service accomplishments, and character letters accompanying his application, the Board concludes that as a matter of clemency, the record should reflect an honorable characterization of service. In view of the foregoing, the Board recommends the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 3 December 1945, Petitioner was issued an honorable discharge vice the general discharge granted by this Board on 2 March 1948.

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 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.


W. DEAN PFEIFFER
Executive Director