



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

BJG
Docket No: 4993-12
27 March 2013

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 25 Aug 10 w/attachment
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by changing the characterization of his other than honorable (OTH) discharge issued on 28 February 1991 to a fully honorable discharge.

2. The Board, consisting of Mses. Bianchi and Trucco and Mr. Hedrick, reviewed allegations of error and injustice on 26 March 2013, and pursuant to its regulations, determined that limited relief should be granted. 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 which were available under existing law and regulations within the Department of the Navy.

b. Petitioner reenlisted in the Navy on 5 May 1989 after more than three years of prior honorable service. On 16 July 1990, he was convicted of two alcohol related offenses in civil court (assault and malicious mischief). He completed Level III inpatient alcohol rehabilitation on 17 October 1990. On 6 December 1990, he was arrested for driving while intoxicated. Administrative discharge processing was then initiated for

misconduct (commission of a serious offense) and alcohol rehabilitation failure. He waived his procedural right to an administrative discharge board. On 14 February 1991, the Navy Personnel Command directed that he be separated with a type warranted by service record characterization due to alcohol abuse rehabilitation failure. On 28 February 1991, he was discharged with an OTH characterization of service due to alcohol abuse - rehabilitation failure, and assigned an RE-4 (not recommended for reenlistment) reentry code. His overall trait mark average was 3.46, which was high enough to warrant a fully honorable characterization of service.

c. A type warranted by service record characterization of service can only be general or honorable.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an error warranting upgrading Petitioner's OTH discharge to a general characterization of service. The Board particularly notes that although his overall trait mark average was high enough to warrant a fully honorable discharge, he had three alcohol related incidents. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 28 February 1991, he was issued a general discharge, vice the OTH characterization of service on the same date.

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.

d. That no further relief be granted.

e. That the Department of Veterans Affairs be informed that he applied to this Board on 13 April 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 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.


ROBERT D. ZSALMAN
Acting Executive Director