



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

CRS

Docket No: 10399-12
14 May 2014

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
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting his naval record be corrected to show a more favorable type of separation than the discharge under other than honorable conditions.

2. The Board, consisting of Mr. Sproul, Mr. Lippolis, and Ms. Zivnuska, reviewed Petitioner's allegations of error and injustice on 17 October 2013 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 allegation 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. Petitioner enlisted in the Navy on 15 August 1990. On 4 March 1992 he received nonjudicial punishment for failure to obey a lawful order on four occasions. On 24 March 1992 his commanding officer recommended that he be separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense.

c. On 7 July 1992 the Navy Personnel Command directed that he receive a type warranted by service record characterization. At the time a conduct mark average of 3.0 was required for an honorable discharge which he did not have. On 7 July 1992 he received a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, based on the direction from the Navy Personnel Command and his conduct mark average of less than 3.0, his discharge should be upgraded to general.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was separated on 7 July 1992 with a general discharge.

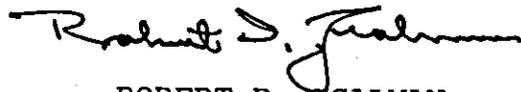
b. That a copy of this Report of Proceedings be filed in his naval record.

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 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