



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

CRS

Docket No: 1421-13

22 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 microfiche record

1. Pursuant to the provisions of reference (a), Petitioner filed enclosure (1) with this Board requesting further that his naval record be corrected to show an honorable characterization of service rather than the other than honorable conditions discharge he received on 28 February 1983.

2. The Board, consisting of Messrs. Ruskin, Exnicios, and Hedrick, reviewed Petitioner's allegations of error and injustice on 20 May 2014 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. Petitioner enlisted in the Navy on 30 October 1980. On 15 June 1982 he was diagnosed with posttraumatic stress disorder due to being involved in a robbery attempt where he was shot and a friend was killed. On 5 January 1983 he received nonjudicial punishment for wrongful use of marijuana.

c. On 6 January 1983 Petitioner's commanding officer recommended that he be separated with a general discharge by reason of misconduct due to drug abuse. On 28 February 1983 he received a discharge under other than honorable conditions.

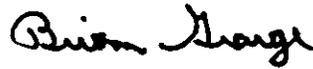
CONCLUSION:

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 commanding officer's recommendation and his being the victim of a robbery attempt where a friend was killed, his discharge should be upgraded to general as a matter of clemency. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

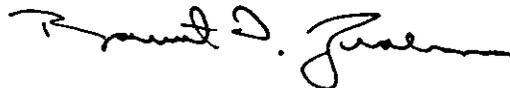
- a. That Petitioner's naval record be corrected to show that he was separated on 28 February 1983 with a general discharge.
- b. That a copy of this Report of Proceedings be filed in his naval record.
- c. That no further relief be granted.
4. Pursuant to Section 6(c) of the revised Procedures of the 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 Executive Director

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.

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director