



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

BJG
Docket No: 6297-13
11 June 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 dtd 4 Jun 13 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, who is hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by upgrading the characterization of his undesirable discharge (UD) issued on 5 November 1948, to honorable.

2. The Board, consisting of Messrs. Bey and Hedrick and Ms. Wilcher, reviewed allegations of error and injustice on 10 June 2014, and pursuant to its regulations, determined that partial 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 20 February 1947 after serving more than two years of prior honorable service during World War II. He received two summary courts-martial for 32 days of unauthorized absence. After contracting venereal disease on three occasions, he was recommended for administrative separation with a UD for unfitness due to unclean habits. On 5 November 1948, he was so discharged.

c. Characterization of service is based, in part, on conduct marks assigned on a periodic basis. His conduct mark average was 3.25. A conduct average of 4.0 was required for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting upgrading Petitioner's UD to a general characterization of service. The Board does not condone his misconduct. However, due to his misconduct and insufficiently conduct mark average, the Board believes that he does not deserve a fully honorable characterization of service. The Board concludes that an injustice was made in issuing him a UD, and that his characterization of service should be upgraded to general under honorable conditions. 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 5 November 1948, he was issued a general under honorable conditions discharge, vice the UD of 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.

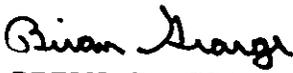
c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

d. That no further relief be granted.

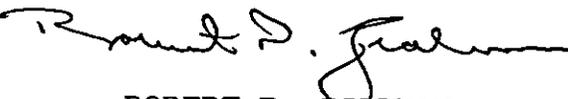
e. That the Department of Veterans Affairs be informed that he applied to this Board on 4 June 2013.

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