



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

BJG
Docket No: 925-13
17 October 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 19 Dec 12 w/encls
(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 honorably characterizing his period of active duty which ended on 12 March 1981.

2. The Board, consisting of Messrs. Gattis, Midboe and Tew, reviewed allegations of error and injustice on 16 October 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 enlisted in the Navy and entered active duty on 10 March 1976. He received nonjudicial punishment on three occasions and was convicted by a special court-martial. His offenses included unauthorized absence (six instances totaling two days), disrespect, attempted maiming, and assault. On 12 March 1981, he completed his required period of active duty, was transferred to the Naval Reserve, and assigned an RE-4 (not

recommended for retention) reenlistment code. Block 24 (character of service) of his Certificate of Release or Discharge from Active Duty (DD Form 214) is blank.

c. Characterization of service is based, in part, on conduct marks assigned on a periodic basis. His conduct mark average was 2.89. A conduct mark average of 3.0 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 error warranting characterizing Petitioner's active duty service as general under honorable conditions. The Board does not condone his misconduct, however, due to it and his insufficiently high conduct mark average, the Board believes that he does not deserve a fully honorable characterization of service. The Board concludes that an error was made in not issuing him a characterization of service, and that his discharge should be classified as general. 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 12 March 1981, he was issued a general discharge, vice no characterization of service of the same date.

b. That no further relief be granted.

c. 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.

d. 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.

e. That the Department of Veterans Affairs be informed that he applied to this Board on 19 December 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.


W. DEAN PFEIFFER
Executive Director