



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

SJN
Docket No: 7979-14
20 July 2015

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

Subj: REVIEW OF NAVAL RECORD ICO **5 U.S.C. 552(b) (6)** USN,
5 U.S.C.

Ref: (a) 10 U.S.C. 1552
(b) OPNAVINST 1160.5C

Encl: (1) DD Form 149 with attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting a characterization of service for his period of active duty.

2. The Board, consisting of **5 U.S.C. 552(b) (6)** **5 U.S.C.** reviewed Petitioner's allegations of error and injustice on 10 July 2015 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 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty on 16 March 1960. He satisfactorily served for nearly two years without disciplinary incident. However, during the period from 13 January 1962 to 14 October 1964, he received five nonjudicial punishments (NJP) for relatively minor offenses. He continued to serve until 15 March 1966, at which time he was

released from active duty. Nonetheless, upon his release, he was issued an Armed Forces of the United States Report of Transfer or Discharge (DD Form 214) that did not reflect a characterization of service.

d. Characterization of service is based in part on conduct averages computed from marks assigned on a periodic basis. As reflected on Petitioner's DD Form 214, his behavior average was 2.64. In this regard, a behavior average of 3.0 was required at the time of his release for a fully honorable characterization of service.

CONCLUSION:

The Board initially notes Petitioner's relatively minor offenses and does not condone his misconduct. However, the Board concludes that his request warrants favorable action based on his period of satisfactory service and overall behavior average of 2.64. In this regard, the Board believes that had he been properly assigned a characterization of service, it would have been based on his behavior average at the time of his release, which would have been "general under honorable conditions." In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he received a general discharge on 20 February 1964.
- b. That a new Certificate of Release or Discharge from Active Duty (DD Form 214) be issued to the Petitioner.
- c. That a copy of this report of proceedings be filed in Petitioner's naval record.
- d. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 19 February 2014.

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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.

5 U.S.C. 552(b)
(6)

T. J. REED
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 Regulation, 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.

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive director