



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

SJN
Docket No: 3743-14
10 July 2014

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

Subj: REVIEW NAVAL OF RECORD [REDACTED]

Ref: (a) 10 U.S.C. 1552

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 change of his uncharacterized entry level separation issued on 29 August 1989.

2. The Board, consisting of Mr. Clemmons, Mr. Zsalman, and Mr. Marquez, reviewed Petitioner's allegations of error and injustice on 8 July 2014 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 8 July 1988. On 9 August 1988, a medical board diagnosed him with increased intraocular pressure of the eyes that existed prior to his entry onto active duty. He did not disclose any history of eye trouble or glaucoma on his Report of Medical History (SF-93). It was recommended that he be

discharged. After being informed of all of his procedural rights, he received an entry level separation and was discharged on 29 August 1989 due to physical disability.

d. Petitioner's characterization of service should have been based on individual trait averages computed from marks assigned on a periodic basis, given that he served over 180 days of continuous active duty. Due to his relatively short period of service and the fact that he never received any trait marks, a fully honorable characterization of service is warranted absent any misconduct.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

In this regard, the Board notes Petitioner's record of military service, medical diagnosis, no disciplinary action, and the fact that he served over 180 days of service. The Board therefore concludes that the record should be changed to show that he was honorably discharged on 29 August 1989. In view of the above, the Board directs the following corrective action.

RECOMMENDATION:

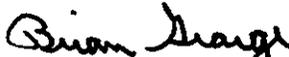
a. That Petitioner's naval record be corrected to show that on 29 August 1989, he received an honorable discharge vice the "ENTRY LEVEL SEPARATION" actually given.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

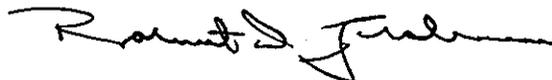
c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 3 February 2014.

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 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.



ROBERT D. ZSALMAN
Acting Executive Director