



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

[REDACTED]
Docket No: 4302-16

APR 10 2017

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USN, XXX-XX-[REDACTED]

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

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

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting his characterization of service be upgraded from other than honorable (OTH) to general under honorable conditions (GEN) on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) through (3) apply.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 2 February 2017 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 on 17 July 1951. On 3 September 1952, he was convicted by summary court-martial (SCM) of a 15-day unauthorized absence (UA). On 4 September 1953, he received 16 hours of extra duty after a 15-hour UA. On 2 November 1953, he received nonjudicial punishment (NJP) for a nine-day UA. On 13 February 1954, Petitioner was again convicted by SCM for a 13-day UA. On 24 February 1954, he received NJP for violating a ship order not to wear another man's clothing and threatening/disrespecting a chief petty officer. Subsequently, administrative discharge action was initiated by reason of unfitness. After he waived his procedural rights, Petitioner's Commanding Officer recommended a discharge under

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other than honorable conditions (OTH) by reason of unfitness. A Navy Personnel Command (PERS-B221) Administrative Discharge Board reviewed Petitioner's record and statement and recommended an OTH discharge by reason of unfitness. The discharge authority approved this recommendation and directed an OTH separation by reason of unfitness.

d. In enclosure (1), Petitioner stated he had been told he would be recommended for an unsuitable discharge because of his inability to adjust to military life. He stated he would not have voluntarily accepted the discharge if he had been told it was non-honorable.

CONCLUSION:

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

The Board believes Petitioner's relatively minor misconduct, young age at the time of discharge, and the passage of more than 62 years since discharge, warrant clemency. Based upon clemency, the Board concludes he should have been issued a DD Form 214 that reflects a general under honorable conditions (GEN) discharge. 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 20 April 1954, he received a general under honorable conditions discharge.

b. That Petitioner be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214).

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 by the Board on 11 May 2016.

4. 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.

[REDACTED]
Recorder

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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.

[REDACTED]
Executive Director