



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 6102-98  
24 August 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

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

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his previous general discharge and RE-4 reenlistment code be changed.

2. The Board, consisting of Mr. Pfeiffer, Mr. Tew and Ms. Moidel, reviewed Petitioner's allegations of error and injustice on 17 August 199 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 it appears that 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 20 July 1979 at age 18. During the period 14 June 1980 to 25 April 1981 he received nonjudicial punishment on three occasions for assault, a short period of unauthorized absence and disobedience and disrespect.

d. On 7 December 1981 he was notified of separation processing because he was a burden to his command due to substandard performance or inability to adapt to military service. On 15 December 1981 the discharge authority directed the type of discharge warranted by his service record. The commanding officer stated, in part, as follows:

Innumerable hours were expended at the workcenter, divisional and departmental levels in counseling him as to his shortcomings and every possible means to assist him in improving his overall performance and military bearing was utilized. Despite all efforts to encourage, assist and motivate (him) his professional performance is well below average ... He appears to be unable to grasp and abide by the fundamental standards of military discipline. This lack of acceptance and unresponsiveness to military authority renders him unfit for continued service.

e. Petitioner was issued a general discharge on 12 January 1982. A general discharge was issued because his conduct mark average was 1.0. A 3.0 average mark in conduct was required for a fully honorable characterization of service. At the time of discharge he acknowledged the assignment of an RE-4 reenlistment code.

f. On 11 January 1991 Petitioner was permitted to enlist in the National Guard. He served in the National Guard until he was honorably discharged on 10 January 1997. He has submitted evidence showing that his service was satisfactory. This includes completion of a cook's course and a perfect attendance ribbon.

g. Petitioner enlisted in the Naval Reserve on 21 January 1997 and has served in a satisfactory manner since then. He has submitted evidence showing that he is a selectee for advancement to MS3 (E-4). The commanding officer of the reserve unit has endorsed his request for corrective action strongly recommending approval and states that Petitioner "is an excellent sailor under my command, who executes his duties diligently."

h. Petitioner has also submitted evidence showing that he has been a good citizen for many years. He has a family and is employed as a security guard and attending a computer school.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner was properly discharged on 12 January 1982. However, given his six years of service in the National Guard, his current service in the Naval Reserve and the other evidence showing he has been a good citizen, the Board concludes that no useful purpose is now served by the general discharge and it should now be recharacterized to honorable as a matter of clemency.

Concerning the reenlistment code, the Board notes that he received three nonjudicial punishments, and the reason for discharge has not been changed and will continue to show that he was a burden to the command. The Board also notes that the only authorized reenlistment code for this reason for discharge is RE-4, and he has been treated no differently than others discharged for that reason. Therefore the Board concludes that the RE-4 reenlistment code was properly assigned and should not be changed.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of burden to command on 12 January 1982 vice the general discharge now of record.

b. That his request for a change in the reenlistment code be denied.

c. That this Report of Proceedings be filed in Petitioner's naval record.

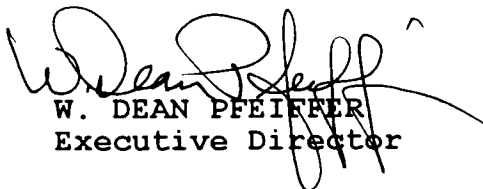
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
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