



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

ELP
Docket No. 1854-99
12 August 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 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, a former enlisted member of the United States Navy/Marine Corps, applied to this Board requesting, in effect, that his naval record be corrected to show a more favorable type of discharge than the general discharge issued on 27 March 1953.

2. The Board, consisting of Ms. Humberd, Mr. Caron, and Mr. Ivins, reviewed Petitioner's allegations of error and injustice on 4 August 1999, 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 Petitioner's application to the Board 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 Marine Corps on 19 June 1952 for four years. His record reflects that he was advanced to PFC (E-2) and served without incident until 10 November 1952 when he was convicted by a summary court-martial of absence from his appointed place of duty. He was sentenced to 30 days of restriction and a reprimand.

d. On 1 December 1952, Petitioner was admitted to a Naval hospital with the diagnosis undetermined (observation psychiatric). On admission, the physical, neurological, routine laboratory work, chest and gastrointestinal X-rays were negative for organic disease. It was noted that he had been a repeated visitor to sick bay with multiple abdominal and chest symptoms obviously of a psychosomatic nature and a hypochondriacal fixation on bodily functions. Psychiatrically, he was immature, dull, markedly dependent, and was certain that "food was jamming up" in his stomach. Petitioner was described as coming from a poor, harsh and deprived family background. After an adequate period of observation a diagnosis of passive dependency reaction was established.

e. On 26 February 1953, Petitioner received a nonjudicial punishment (NJP) for an absence over leave of about 13 hours and disobedience. Punishment awarded was six days of restriction.

f. On 10 March 1953, a board of medical survey found Petitioner unfit for duty by reason of passive dependency reaction and recommended that he be discharged from the Marine Corps. He was informed of the findings of the board and declined to submit a statement in rebuttal. Petitioner received a general discharge on 27 March 1953 by reason of convenience of the government.

g. Individuals discharged by reason of convenience of the government receive the type of discharge warranted by their service record. Character of service is base, in part, on conduct and proficiency averages. Petitioner's conduct and proficiency averages were 3.3 and 5.0, respectively. A minimum average mark of 4.0 was required in conduct for a fully honorable characterization at the time of his discharge.

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 youth and

immaturity, deprived family background, limited education, low test scores, and diagnosed personality disorder. The Board further notes that his two disciplinary actions were for very minor offenses. The Board believes that the foregoing factors somewhat impaired Petitioner's ability to serve as Marine and that it would be appropriate and just to recharacterize his service as fully honorable as an exception to policy.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of convenience of the government on 27 March 1953 vice the general discharge actually issued on that date. This should include the issuance of a new DD Form 214.

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 by the Board on 16 March 1999.

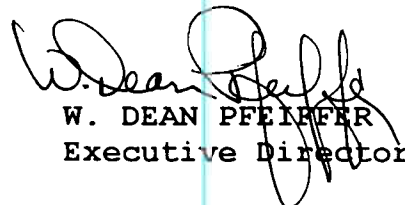
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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