



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

ELP
Docket No. 3464-01
24 September 2001

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 Navy, applied to this Board requesting, in effect, that his naval record be corrected to show a more favorable discharge than the general discharge discharge issued on 5 October 1958.

2. The Board, consisting of Messrs. Pfeiffer, Zs Salman, and McPartlin reviewed Petitioner's allegations of error and injustice on 19 September 2001 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 the Navy at age 17 on 16 December 1955 for a minority enlistment. The record reflects that he was advanced to AA (E-2) and served without incident until August 1956, when he received nonjudicial punishment (NJP) for failure to make duty section muster and two restriction musters. Punishment imposed was two weeks of extra duty.

d. The medical record reflects that Petitioner was admitted to a Naval hospital on 5 September 1956 and, on 20 September 1956, a board of medical survey diagnosed a passive-aggressive reaction characterized by passive obstructionism and chronic anxiety. The survey board's report noted that Petitioner had been previously hospitalized in April 1956 because of complaints of nervousness, crying and vomiting. The mental examination at that time revealed a glib, overtly hostile, immature young man with symptoms of extreme anxiety. He had given a history of being reared by an abusive father who deserted his family. In June 1956, Petitioner was seen at a dispensary where it was felt that he was quite emotionally disturbed and made repeated suicidal gestures. However, it was concluded that because of his childish dependencies and fear of distance from home, further treatment would be futile. He was admitted again in August 1956 where further characteristics were noted, such as job inefficiency, pouting, stubbornness and procrastination. After the referral on 5 September 1956, he soon decompensated and spent a good deal of time crying and expressed morbid fears which did not appear to be malingering. Most of the time he was vague, withdrawn and markedly hostile. It was the opinion of the medical board that continued service was impossible for him and discharge was recommended due to passive-aggressive reaction.

e. On 5 October 1956 Petitioner received a general discharge by reason of convenience of the government.

f. Regulations provided that individuals discharged for convenience of the government receive the type of discharge warranted by the service record. Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Petitioner's final military behavior and overall traits averages were 3.25 and 2.4, respectfully. A minimum average mark of 2.7 was required in overall traits for a fully honorable characterization of service 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 specifically notes Petitioner's youth and immaturity, limited education, his psychological problems, and the one disciplinary action he received was for very minor offenses. It is clear from the record that psychological problems impaired Petitioner's ability to serve satisfactorily. The Board believes that to continue to stigmatize his discharge as under honorable conditions is unjust and serves no useful purpose. Accordingly, the Board concludes that it would be appropriate and just to recharacterize the general discharge to fully honorable.

RECOMMENDATION:

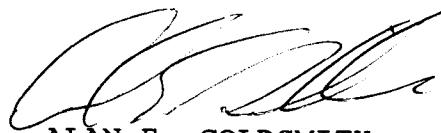
a. That Petitioner's naval record be corrected to show that he was honorably discharged on 5 October 1956 vice the general discharge actually issued on that date.

b. That a copy of the 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 1 May 2001.

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.

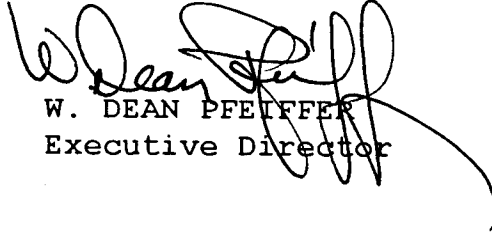
ROBERT D. ZSALMAN
Recorder



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 PFETFFER
Executive Director