



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

ELP
Docket No. 3754-01
28 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 undesirable discharge issued on 23 June 1953.

2. The Board, consisting of Messrs. Pfeiffer, Novello, and Pauling reviewed Petitioner's allegations of error and injustice on 26 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 in the Navy on 20 June 1951 for a minority enlistment at age 17. His record reflects that he was advanced to SN (E-3) and served without incident until 26 March 1953 when his command was notified by a naval hospital that he was being treated for a venereal disease. The hospital stated that Petitioner had contracted gonorrhea four times since July 1952 and discharge for unclean habits was recommended.

d. On 11 May 1953 Petitioner was notified that he was being recommended for discharge by reason of unfitness. He was advised of his procedural rights and declined to submit a statement in his own behalf. Thereafter, the commanding officer recommended that Petitioner be discharged by reason of unfitness due to unclean habits.

e. On 2 June 1953 an administrative discharge board convened in the Bureau of Naval Personnel and recommended an undesirable discharge by reason of unfitness. Thereafter, the Chief of Naval Personnel directed an undesirable discharge. Petitioner was so discharged on 23 June 1953.

f. Regulations then in effect authorized an undesirable discharge for individuals discharged by reason of unfitness due to unclean habits. However, a commanding officer could recommend to the Bureau of Naval Personnel that a different characterization be considered. Additionally, subsequent policy changes authorized discharge by reason of unsuitability due to unclean habits. Individuals so separated received either an honorable or general 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, limited education, and an unblemished disciplinary record during two years of service. Petitioner's only problem was venereal infections. The Board further notes that an individual would not receive such a harsh characterization under current standards. Accordingly, the Board concludes that it would be appropriate and just to recharacterize the undesirable discharge to a general discharge under honorable conditions.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued a general discharge on 23 June 1953 vice the undesirable 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 10 April 2001.

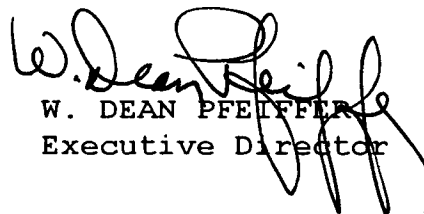
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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 PFEIFFER
Executive Director