



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

CRS
Docket No: 3780-01
1 August 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 Marine Corps, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable type of discharge than the undesirable discharge issued on 15 June 1955.

2. The Board, consisting of Messrs. Pfeiffer, Zsalman, and George, reviewed Petitioner's allegations of error and injustice on 24 July 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 enclosure (1) was not filed in timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Marine Corps on 2 August 1950 after more than two years of prior active service. He served in Korea and was awarded the Purple Heart, Korean Service Medal with two bronze service stars, and the Presidential Unit Citation.

d. The record reflects that he received four nonjudicial punishments and was convicted by four summary courts-martial. The offenses included unauthorized absences totalling seven days,

breaking restriction on two occasions, willful disobedience of a lawful order, and failure to obey a lawful order.

e. On 4 April 1955 the commanding officer recommended that he be separated with an undesirable discharge by reason of unfitness. The discharge authority approved the recommendation and directed that an undesirable discharge be issued by reason of unfitness. Petitioner was so discharged on 15 June 1955.

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 numerous disciplinary actions but, since they were relatively minor in nature, believes that they did not warrant the severe characterization that he received. Further, Petitioner was awarded the Purple Heart and served in Korea during two campaigns against the enemy. Based on the foregoing, the Board concludes that the discharge should be recharacterized to general.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

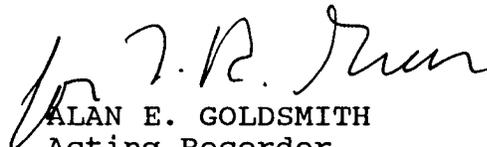
a. That Petitioner's naval record be corrected to show that he was issued a general discharge by reason of unfitness on 15 June 1955 vice the undesirable discharge issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

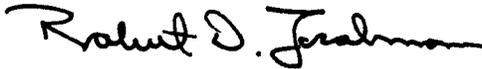
c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 7 May 2001.

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.


for W. DEAN PFEIFFER
Executive Director