



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

ELP
Docket No. 6165-01
29 November 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 on 12 January 1948.

2. The Board, consisting of Messrs. Pfeiffer, Brezna, and Swarens reviewed Petitioner's allegations of error and injustice on 28 November 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 22 January 1946 for three years as a seaman first class. At the time of his enlistment, he had completed nearly three years of prior active service in the Naval Reserve. During his Naval Reserve service, he served on board the USS CHENANGO (CVE-28) against Japanese forces from December 1942 to October 1943.

d. During the 17 month period from April 1946 to September 1947 Petitioner received two nonjudicial punishments (NJP) for failing to muster and a four hour period of unauthorized absence. On 28 October 1947 the medical department requested that Petitioner be discharged by reason of unsuitability due to repeated venereal infections, specifically, seven such infections from April 1946 to October 1947. Petitioner submitted a statement requesting that he be allowed to complete his enlistment and earn an honorable discharge.

e. The commanding officer requested authority to discharge Petitioner by reason of unfitness. He stated that Petitioner had demonstrated that he was totally unfit for retention due to his unclean habits. On 23 December 1947 a board of officers convened in the Bureau of Naval Personnel and recommended an undesirable discharge by reason of unfitness. The Chief of Naval Personnel approved the recommendation and Petitioner was so discharged on 12 January 1948.

f. Character of service normally was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's final conduct and proficiency averages were 3.85 and 3.7, respectively. Minimum average marks of 3.25 in conduct and 2.75 in proficiency were required at the time of Petitioner's discharge for a fully honorable characterization of service. Those who did not meet the requirements received a general discharge. Since Petitioner was discharged by reason of unfitness, his averages were not used to characterize his service.

g. Subsequent to Petitioner's discharge, a change in policy became effective which directed that individuals discharged due to venereal infections be separated by reason of unsuitability. Characterization of service for service members discharged for this reason was determined by the conduct and proficiency averages.

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 his prior honorable World War II service. Additionally, his two NJPs were for very minor offenses. While he did have a significant number of venereal infections, the Board does not believe they warranted the lifelong stigma of an undesirable discharge. Although Petitioner was appropriately discharged for unfitness, standards changed subsequent to Petitioner's discharge so that individuals separated under similar circumstances received an honorable or general discharge, as warranted by the service record. Based on the foregoing, the Board believes that no useful purpose is served by continuing to characterize Petitioner's service as undersirable, and it would be appropriate and just to recharacterize his undesirable discharge to a fully honorable discharge as warranted by his service record.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge on 12 January 1948 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 19 July 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