



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6260-99

16 June 2000

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 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 Marine Corps filed enclosure (1) with this Board requesting a better characterization of service than the general discharge issued on 26 May 1983.

2. The Board, consisting of Mr. Carlson, Mr. Neuschafer and Mr. Exnicios, reviewed Petitioner's allegations of error and injustice on 7 June 2000 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 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 6 November 1981 at age 18. His record indicates that on 13 January 1983 he was 73" tall and weighed 236 pounds. On 11 March and 28 March 1983 he was counseled concerning substandard performance. On 7 April 1983 he received nonjudicial punishment for an unauthorized absence of about three and a half hours. The punishment included a reduction in rate to PVT (E-1). Seven days later he was counseled concerning a pattern of unsatisfactory performance and was offered assistance in "redeveloping his weight control program."

d. Subsequently, Petitioner was processed for discharge by reason of unsatisfactory performance. On 16 May 1983 the discharge authority directed a general discharge. On 18 May 1983 his weight was 234 pounds. That same day he acknowledged that he was being assigned an RE-3P reenlistment code due to his failure to meet weight standards. He received the general discharge on 26 May 1983.

e. Petitioner states in his application that he was unable to control his weight because of an undiagnosed thyroid problem and that after his discharge he was prescribed medication and has been able to keep his weight under control.

f. Petitioner's record is incomplete in that it shows that he was only assigned conduct and proficiency marks of 4.2 and 4.0 on 2 June 1982 and no marks after that date. These marks are high enough to support an honorable characterization of service. The Board is aware that the conduct and proficiency marks are one of the factors to be considered in cases such as this. Averages of 4.0 in conduct and 3.0 in proficiency are high enough to warrant an honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that Petitioner's counseling for unsatisfactory performance appear to relate primarily to his failure to meet the weight standards and that the only other derogatory entry is the nonjudicial punishment for a short period of unauthorized absence. The Board also notes the incomplete conduct and proficiency mark record. Given the possibility that he may have had an undiagnosed medical problem, the Board concludes that a characterization of service based on his inability to meet weight standards is no longer appropriate and the discharge should now be recharacterized to honorable. This is especially so given his satisfactory conduct and proficiency averages.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 26 May 1983 he was issued an honorable discharge by reason of unsatisfactory performance vice the general discharge now of record.

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

4. It is certified that a quorum was present at the Board's

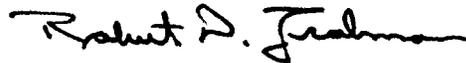
review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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