



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

TJR  
Docket No: 9187-02  
15 August 2003

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

Subj: REVIEW OF NAVAL OF RECORD EX-SR [REDACTED] USN,  
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with 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, filed enclosure (1) with this Board requesting that the characterization of his discharge be changed.

2. The Board, consisting of Messrs. [REDACTED], and [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 August 2003 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 reenlisted in the Navy on 2 October 1951 after four years of prior honorable service.

d. Petitioner participated in the Korean Conflict and was awarded the National Defense Service Medal, United Nations Service Medal, and the Korean Service Medal with one star.

e. During the period from 1 May 1952 to 10 March 1954 Petitioner received nonjudicial punishment (NJP) on four occasions. He was also convicted by special court-martial (SPCM) on two occasions and once by summary court-martial (SCM). His offenses were five periods of unauthorized absence (UA) totalling 43 days, breaking restriction, and four periods of absence from his appointed place of duty.

f. On 13 May 1954 Petitioner was convicted by SPCM of a two day period of UA and failure to obey a lawful order. He was sentenced to a \$210 forfeiture of pay, reduction to paygrade E-1, confinement at hard labor for six months, and a bad conduct discharge (BCD). Subsequently, on 23 August 1954, Petitioner received the BCD.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

Although the Board does not condone his record of misconduct, it consisted primarily of minor offenses. Additionally, the Board recognizes Petitioner's prior honorable service coupled with his total time served, and his service during the Korean Conflict.

Based on the foregoing, and considering the fact that Petitioner has suffered the consequences of a BCD for nearly 50 years, the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under other than honorable conditions. Accordingly, the Board concludes that relief in the form of recharacterization of Petitioner's discharge is now appropriate.

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 on 23 August 1954 vice the BCD actually issued on the same day.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's naval record and the no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file

maintained for such purpose, with no cross reference being made a part of 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 Regulation, 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