



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

CRS  
Docket No: 5402-02  
26 December 2002

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, 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 general discharge issued on 22 July 1948. He also requests that the reason for discharge be changed.

2. The Board, consisting of Ms. Humberd, Mr. Frankfurt, and Mr. Leeman, reviewed Petitioner's allegations of error and injustice on 3 December 2002 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 enlisted in the Naval Reserve on 8 March 1947 and was honorably discharged on 6 June 1948. He reenlisted in the Navy on 7 June 1948.

d. The record reflects that Petitioner served without incident during his period of active duty. He was discharged prior to the completion of recruit training pursuant to the recommendation of

an aptitude board. The board recommended that he be separated with a general discharge by reason of unsuitability based on emotional instability and immaturity.

e. On 29 December 1976 the Secretary of Defense announced a change in policy and stated that honorable discharges could be issued to servicemembers who are administratively separated during recruit training because of marginal performance or minor disciplinary infractions. The Department of the Navy's current policy is set forth in SECNAVINST 1910.4A. This instruction directs that an entry level separation be issued to members who fail to complete training.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. The Board's finding is based on Petitioner's overall record record of military service and particularly the remedial changes in policy which became effective after his separation. Accordingly, the Board concludes that relief in the form of recharacterization to honorable is appropriate but that the reason for discharge remain unchanged.

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 an honorable discharge by reason of unsuitability on 22 July 1948 vice the general discharge actually issued on that date.

b. That no further relief be granted.

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


d. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 14 June 2002.

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