



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 2714-13
4 February 2014

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]
[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 Marine Corps, filed enclosure (1) with this Board requesting that the other than honorable (OTH) characterization of his discharge on 9 April 1954 be changed.

2. The Board, consisting of Mr. Hedrick, Mr. Marquez and Mr. Zsalman, reviewed Petitioner's allegations of error and injustice on 29 January 2014 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 Marine Corps on 7 November 1953 after more than three years of prior honorable service. On 27 January 1954, he was admitted to a civilian hospital in

Pennsylvania, due to an automobile accident. He stated in part, that the automobile accident was intentional, he wanted to kill himself and get away from the Marine Corps. On 3 February 1954, Petitioner stated in part that lacerations on his wrist were self-inflicted and that he was upset he did not kill himself in the auto accident. On 15 February 1954, he again attempted suicide by cutting his left arm with a knife while in the Marine barracks. Petitioner was diagnosed with an Emotional Instability Reaction, and was found to be unfit for service. The Medical Board recommended separation with a type warranted by service record. On 9 April 1954 he was issued an OTH discharge by reason of unfitness. At the time of his discharge his conduct average of 2.0 which was sufficiently high for a general 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's finding is based on his prior honorable service and periodic conduct marks. The Board notes that his conduct average of 2.0 was sufficiently high to warrant an under honorable characterization of service. Based on the foregoing the Board concludes that no useful purpose is served by continuing to characterize his service as having been under OTH conditions and recharacterization to a general discharge is appropriate.

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

RECOMMENDATION:

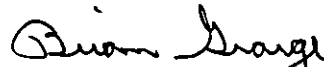
a. That Petitioner's naval record is corrected to show that he was discharged with a general characterization on 9 April 1954 vice being issued an OTH on the same day.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that 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. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was presented 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


BRIAN J. GEORGE
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.


ROBERT D. ZSALMAN
Acting Executive Director