



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

SJN
Docket No: 5635-13
22 July 2014

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

Subj: REVIEW 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 Navy, filed enclosure (1) with this Board requesting a change in his character of service (GENERAL (UNDER OTHER THAN HONORABLE)).

2. The Board, consisting of Ms. Davis, Mr. Grover, and Ms. Wilcher, reviewed Petitioner's allegations of error and injustice on 15 July 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 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 Navy and began a period of active duty on 14 February 1980. On 10 April 1981 and 7 April 1982, he received nonjudicial punishment (NJP) for two days of unauthorized absence (UA), missing ship's movement, and wrongful possession of hashish. Additionally, he was identified as a drug user and placed in a mandatory drug urinalysis screening program.

On 15 July 1982, he received NJP for two instances of UA. On 19 July 1982, he was counseled and warned that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. He waived his rights to consult counsel, submit a statement or have his case heard by an administrative discharge board (ADB). On 24 September 1982, he received his fourth NJP for two instances of UA, disobedience, and misbehavior of a sentinel. His case was forwarded recommending that he be discharged under honorable conditions by reason of misconduct. The separation authority concurred and directed a general discharge by reason of misconduct. On 29 October 1992, he was so discharged. However, his Certificate of Release or Discharge from Active Duty (DD Form 214) erroneously states that his character of service is "GENERAL (UNDER OTHER THAN HONORABLE)". Petitioner states, in part, that he is having issues with the Department of Veterans Affairs due to his current characterization of service.

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 Petitioner's overall record of military service, including his four NJP's, one of which involved wrongful drug possession. However, the Board notes that the separation authority directed that Petitioner receive a general discharge. Accordingly, the "GENERAL (UNDER OTHER THAN HONORABLE)" was erroneous, and should be changed to read "GENERAL (UNDER HONORABLE CONDITIONS)".

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 29 October 1982 he received a "GENERAL (UNDER HONORABLE CONDITIONS)" characterization of service vice the "GENERAL (UNDER OTHER THAN HONORABLE)" actually issued on that date.

b. That a copy of this 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 on 28 May 2013.

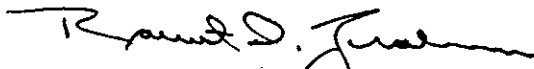
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

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