



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

[REDACTED]
Docket No: 8025-16
NOV 28 2017

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN,
[REDACTED]

Ref: (a) 10 U.S.C. §1552

Encl: (1) DD Form 149 with attachments
(2) 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 general under honorable conditions discharge.
2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 12 September 2017 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, relevant portions of Petitioner's 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, began a period of active duty on 5 January 1966. On 10 August 1967 and 11 September 1968, he received nonjudicial punishment for being disrespectful in language toward a superior petty officer, failure to be at his appointed place of duty, disobedience by sleeping in someone Sailor's bunk, failure to turn out of bunk at reveille, and unauthorized late sleepers. He remained on active duty until 26 February 2006, when he was released from active duty with general discharge by reason of "Reduction in Authorized Strength." At that time, a character of service was based, in part, on conduct marks assigned on a periodic basis. Based on the evidence of record, Petitioner's overall conduct average was 2.9.

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[REDACTED]

At the time of his service, a conduct average of 3.0 was required for a fully honorable characterization of service.

d. With his application, Petitioner states that he may not have been the best electronics technician in the Navy, but worked hard and did the best that he could. Additionally, that he last 23 years he was on the Veteran's Administration's Panel of residential appraisers, helping veterans and active duty personnel get honest deals when purchasing homes. During his Petitioner's service, he received the National Defense Service Medal and Vietnam Service Medal.

CONCLUSION:

The Board initially notes Petitioner's NJP's and does not condone his misconduct. However, the Board concludes that his request warrants favorable action based on his overall record of service. Although Petitioner did not attain the required average in conduct, he should have an honorable discharge as an act of clemency.

In view of the foregoing, the Board directs the following corrective action.

RECOMMENDATION:

Petitioner's naval record be corrected to show that he received an honorable discharge on 26 October 1969.

A new Certificate of Release or Discharge from Active Duty (DD Form 214) be issued to the Petitioner.

A copy of this report of proceedings be filed in Petitioner's naval record.

Upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 7 September 2016.

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.

[REDACTED]
Recorder

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[REDACTED]

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.

[REDACTED]
Executive Director