



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

TRG  
Docket No:3310-98  
18 May 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 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 United States Marine Corps filed enclosure (1) with this Board requesting that his general discharge be recharacterized to an honorable discharge.

2. The Board, consisting of Mr. Cali, Ms. Madison and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 11 May 1999 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. Enclosure (1) was filed in a timely manner. 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 enlisted in the Marine Corps on 8 June 1967 at age 18. At that time he had completed 11 years of education. The record shows that he reported to the 1st Reconnaissance Battalion in Vietnam on 29 November 1967. His Combat History Page shows that while in Vietnam he participated in four combat operations and 13 long range reconnaissance patrols. He left Vietnam on 16 November 1968.

d. Petitioner received nonjudicial punishment on 24 June 1969 for possession of the identification card and chow card of

another Marine and being on liberty without a liberty card. Subsequently, he was referred for a psychiatric evaluation. He was diagnosed with an immature personality disorder as manifested by crying and mild depression stemming from an adult situational reaction. He was recommended for discharge by reason of unsuitability. In connection with discharge processing his platoon commander stated, in part, as follows:

...He performed minimally during this time but reacted with almost paranoia to any criticism or admonishment. His obesity and apathy caused a consistently sloppy appearance. His emotional instability or immaturity was evidenced several times during this period by public crying, emotional outbursts and an irrational insistence or obsession that Hawaii especially and the stateside Marine Corps in general were solely responsible for his problems. ....

He returned to this command on 21 January 1970 because of an administrative hold and was here a week before entering the hospital for treatment of a leg infection.

During this week he was obviously emotionally distraught and completely irrational. He could not talk about anything except his desire to get out of the Marine Corps and his willingness to do anything to get out, including admitting to taking drugs or doing anything. (He) cried at least twice during this period and did not respond to logic, persuasion, a call to personal pride or to threats. ....

On 4 February 1970 Petitioner was notified of separation processing by reason of unsuitability. The commanding officer states in his recommendation for discharge that Petitioner's conduct mark average would normally warrant an honorable discharge. Subsequently, the commanding officer's recommendation for discharge was approved and Petitioner was issued a general discharge on 17 April 1970.

e. Character of service when an individual was discharged by reason of unsuitability was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Petitioner's conduct and proficiency averages were 3.9 and 3.8, respectively. A minimum average mark of 4.0 in conduct was required at the time of his separation for a fully honorable characterization of service.

f. Petitioner's case is being reconsidered based on documentation showing that he has been rated as 50% disabled by the Department of Veterans Affairs based on a diagnosis of Post Traumatic Stress Disorder (PTSD), and a contention that his conduct mark average used by the Board was in error. However, the marks have been verified to be as set forth in the foregoing subparagraph. He has submitted several statements to the effect that he was appeared to be disturbed when he returned from the Marine Corps and has only recently begun to get his life in order.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board finds that Petitioner was properly issued a general discharge because of his low average mark in conduct. However, the Board notes that he made 13 long range reconnaissance patrols while in Vietnam, received only one disciplinary action in about three years of service, was obviously emotionally disturbed when he returned from Vietnam. The Board concludes that no useful purpose is now served by the general discharge and the discharge should be recharacterized to honorable as a matter of clemency.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that that on 17 April 1970 he was issued an honorable discharge by reason of unsuitability vice the general discharge actually issued on that date.
- b. That this Report of Proceedings be filed in 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.

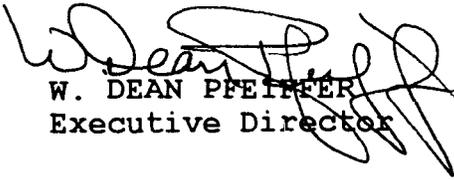
ROBERT D. ZSALMAN  
Recorder



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 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