



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 5328-99

27 September 1999

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 United States Navy, applied to this Board requesting that his naval record be corrected to show a more favorable type of discharge than the indifferent discharge issued on 20 August 1943.

2. The Board, consisting of Ms. Nofziger, Ms. Hardbower, and Mr. Patton, reviewed Petitioner's allegations of error and injustice on 22 September 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. Although it appears that Petitioner's application to the Board 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 on 15 October 1942 for four years in the Naval Aviation Cadet Program. He completed pre-flight training on 14 June 1943 but failed primary flight

training on 24 June 1943. His rating status was changed from naval cadet to seaman second class.

d. On 11 August 1943, Petitioner was referred to an aptitude board for gastric preoccupation, mild depression, and being very worried. A psychiatrist's report considered by the aptitude board noted that Petitioner was sad, tense, unstable, and inadequate. He had many complaints such as headaches, dizzy spells, stomach trouble, and nausea. It was opined that he was inadequate for naval service. The aptitude board found Petitioner's general qualifications did not warrant retention in the service and recommended that he be honorably discharged by reason of "Inaptitude for the Service."

e. Thereafter, Petitioner was informed that he was being discharged with an "indifferent" discharge by reason of inaptitude and was fully aware of the findings of the board. Petitioner received the "indifferent" discharge on 20 August 1943. His conduct average at the time of discharge was 4.0.

f. At the time of Petitioner's separation, individuals with satisfactory service received either honorable, good, or indifferent discharges. "Good" and "Indifferent" discharges were equivalent to today's general discharge under honorable conditions. A "Good" discharge meant that the individual was recommended for reenlistment. An individual who was not recommended for reenlistment received an "indifferent" discharge.

g. Petitioner states that his service was anything but indifferent and his discharge has always been an embarrassment. He wanted to serve but could not due to psychiatric problems related to depression. He claims that he had severe headaches as a cadet which continued as a seaman. Over the years since his discharge he has had recurring periods of depression.

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 that Petitioner was appropriately separated under regulatory guidance that was in effect at the time of his discharge. However, the Board notes that during his more than 10 months of service he had no disciplinary actions and had a conduct average of 4.0 when

discharged. It appears to the Board the discharge was due more to psychological problems than inaptitude. The Board further notes that the aptitude board had recommended that Petitioner be honorably discharged. Although he apparently was not recommended for reenlistment, such a recommendation would not preclude the issuance of an honorable discharge under today's standards. The Board concludes that it would be appropriate and just to recharacterize the "indifferent" discharge to an honorable discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of inaptitude on 20 August 1943 vice the indifferent discharge 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 by the Board on 19 August 1999.

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