



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 4249-99

6 October 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, in effect, that his naval record be corrected to show a more favorable type of discharge than the "good" discharge issued on 10 December 1943.

2. The Board, consisting of Messrs. Pfeiffer, Tew, and Pauling, reviewed Petitioner's allegations of error and injustice on 28 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 Naval Reserve on 19 May 1942 for two years as a seaman first class. The record reflects that he was assigned to the USS HELENA on 19 June 1942 and from

October 1942 to July 1943, saw extensive combat action against the Japanese in the Pacific. His record further reflects that during this period he was advanced to Radioman Second Class (RDM2c) and on 6 July 1943 his ship was sunk during a night surface engagement with Japanese ships off Kula Gulf. His records and accounts were lost in this disaster.

d. On 26 September 1943, Petitioner was admitted to a naval hospital due to a peptic ulcer. On 12 November 1943, a board of medical survey recommended that Petitioner be discharged by reason of physical disability due to a perforated stomach ulcer. It was noted that Petitioner had suffered for the past 10 years with nervous indigestion, epigastric distress, nausea, and infrequent vomiting occurring one to two hours after each meal. He was informed of the board's recommendation and did not submit a statement in rebuttal. The Chief of Naval Personnel approved the discharge on 30 November 1943.

e. Petitioner was discharged on 10 December 1943 with an ordinary discharge under satisfactory conditions, with a characterization of "good." His final averages in conduct and proficiency were 4.0 and 3.76, respectively.

f. At the time of Petitioner's discharge, individuals with satisfactory service received either honorable, good, or indifferent discharges. "Good" and "indifferent" discharges were the equivalent of 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.

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 had no disciplinary actions during his period of service, maintained above average performance and conduct ratings, was advanced to RDM2c, and saw extensive combat service during which his ship was sunk. In view of the foregoing, the Board concludes that it would be appropriate and just to recharacterize his "good" discharge to a fully honorable discharge.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was issued an honorable discharge by reason of physical disability on 10 December 1943 vice the "good" 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 1 July 1999.

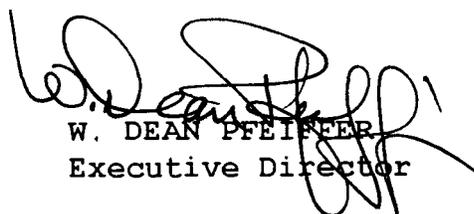
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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