



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

TJR
Docket No: 4905-01
8 November 2001

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

Subj: REVIEW OF NAVAL OF RECORD [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 that the characterization of his discharge be changed.

2. The Board, consisting of Messrs. Novello, Taylor, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 6 November 2001 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 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 27 February 1980 at the age of 17 and served without disciplinary infractions. The only marks in the record, through 31 July 1981, reflect conduct and proficiency averages of 4.3 and 4.4, respectively. Additionally, Petitioner was advanced in due course to LCPL/(E-3).

d. Petitioner's record contains a letter dated 9 February 1983 which notes that during the period from 4 March 1980 to 23 November 1982 he was evaluated on 17 occasions for his elevated blood pressure and complaints of headaches, fevers, hot flashes, nightmares, dizziness, distress, shortness of breath, sleeping problems, and chest pains. During this period he was also diagnosed with an anxiety disorder, hypertension, and a mixed personality disorder. As a result of this diagnosis, Petitioner was recommended for an administrative separation.

e. On 17 March 1983 Petitioner was issued a general discharge under honorable conditions by reason of convenience of the government due to the diagnosed personality disorder. At the time of his discharge Petitioner's incomplete conduct and proficiency averages of 4.4 were above those required for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action.

The Board notes Petitioner's unblemished record, length of service, and his satisfactory marks. The Board notes that Petitioner's averages, though incomplete, were sufficiently high under the requirement for a fully honorable characterization of service. Based on the foregoing the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to a fully honorable discharge is appropriate.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 17 March 1983 vice issued the general discharge under honorable conditions on the same day.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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 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.



FR W. DEAN PFEIFFER
Executive Director