



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

CRS  
Docket No: 5841-98  
19 April 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, an enlisted member of the United States Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable type of separation than the under honorable conditions separation issued on 1 June 1997.

2. The Board, consisting of Ms. Taylor, Mr. McCulloch, and Mr. Carlson, reviewed Petitioner's allegations of error and injustice on 14 April 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.

c. Petitioner enlisted in the Naval Reserve on 31 March 1994 at age 20. He reported to active duty for three years on 1 June 1994. At the time of enlistment he had completed 12 years of formal education.

d. Petitioner received only one set of marks during his period of service. For the period 21 August 1994 through 31 January 1995 he received a mark of 3.8 in all categories except directing which was marked "not observed".

e. On 6 July 1996 Petitioner received nonjudicial punishment for absence from his appointed place of duty and dereliction of duty on two occasions.

f. On 1 June 1997 he was transferred under honorable conditions to the Naval Reserve.

g. In a case such as Petitioner's, character of service must be based on conduct and overall trait averages, both of which are computed from marks assigned during periodic evaluations. Petitioner's conduct and overall trait averages were both 3.8. The minimum average marks required for a fully honorable characterization of service at the time of Petitioner's separation were 3.0 in conduct and 2.8 in overall traits.

**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 concludes that his under honorable conditions separation should be recharacterized to honorable based on his conduct and overall trait averages.

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 issued an honorable separation by reason of expiration of active obligated service on 1 June 1997 vice the under honorable conditions separation actually issued on that date.

b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

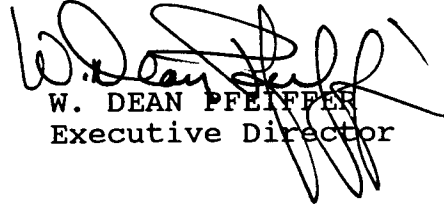
c. That, upon request, the Veterans Administration be informed that Petitioner's application was received by the Board on 5 August 1998.

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