



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

TRG  
Docket No: 1582-01  
20 July 2001

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 record be corrected to show a better characterization of service than the separation under honorable conditions and the subsequent general discharge.

2. The Board, consisting of Mr. Cooper, Mr. Lightle and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 17 July 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 Petitioner's application 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 28 August 1952 at age 18. He satisfactorily completed initial training and on 5 April 1953 he disembarked in Korea. On 5 January 1954, he was convicted by a special court-martial of dereliction of duty when he did wake up to take over his duty as a phone watch. The court sentenced him to a reduction to PVT, forfeitures of pay and two months confinement at hard labor. He returned to duty and was promoted to PFC and left Korea on 8 August 1954. He was

released from active duty on 26 January 1955 with his service characterized as being under honorable conditions. He was subsequently issued a general discharge at the end of his military obligation on 27 August 1960.

d. Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Petitioner's conduct mark average was 3.9. A minimum average mark of 4.0 in conduct was required at the time of his separation for a fully honorable characterization of service.

e. Petitioner has submitted character references which show that he has been a good citizen for many years. He has submitted a reference from a retired Marine master sergeant who was his squad leader in Korea. He states that Petitioner was a valued member of the squad with a good attitude, and the court-martial was caused by an over zealous young officer who was determined to make an example of everyone even remotely involved in this incident. A retired Marine colonel states that Petitioner is a good citizen and he believes an injustice was done in this case.

#### CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that, in retrospect, the offense of which he was convicted appears to be relatively minor, and only the low mark assigned at that time reduced his conduct mark below the requirement for an honorable characterization of service. Given the isolated nature of the offense and the good character references, the Board concludes that no useful purpose is served by continuing to stigmatize his service as less than fully honorable and recharacterization is now warranted. Therefore, the record should be corrected to show that his service was characterized as honorable when he was released from active duty on 26 January 1955, and that he was issued an honorable discharge at the end of his military obligation on 27 August 1960.

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that his service was characterized as honorable on his release from active duty on 26 January 1955 and he was issued an honorable discharge at the end of his military obligation on 27 August 1960 vice the characterization of under honorable conditions and the general discharge now of record.

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