



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

CRS  
Docket No: 2327-02  
25 April 2003

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 Navy, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show a more favorable type of discharge than the discharge under other than honorable conditions issued on 5 July 2000.

2. The Board, consisting of Messrs. Pfeiffer, Zsalmán, and Morgan, reviewed Petitioner's allegations of error and injustice on 19 March 2003 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 Navy on 24 June 1999. He then served without incident for about five months, when he began having psychological problems, which resulted in a psychiatric evaluation on 27 November 1999.

d. On 27 November 1999 Petitioner was diagnosed with an adjustment disorder. He stated that shipmates were calling him derogatory names. He also stated he would do anything, including killing himself, to get out of the Navy. His thoughts included jumping overboard or hanging himself if he didn't get off the

ship.

e. Subsequently, Petitioner received two nonjudicial punishments. The offenses included disrespect, dereliction of duty, disorderly conduct on two occasions, five instances of disobedience, and use of provoking speeches and gestures. Although the record does not contain the separation processing documents, it is clear from the record that on 5 July 2000 Petitioner received an other than honorable discharge by reason of misconduct due to commission of a serious offense.

f. With his application, Petitioner submits a post-service psychiatric evaluation in which he is diagnosed with schizophrenia.

g. In an advisory opinion, the Specialty Advisor to the Surgeon General for Psychiatry concludes with reasonable medical certainty that Petitioner's behavior that led to his discharge can readily be explained as prodromal signs and symptoms of schizophrenia.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. Given the advisory's opinion conclusion that Petitioner's symptoms of schizophrenia was partial mitigation for his misconduct, the Board does not believe his misconduct warranted the severe characterization that he received. Based on the foregoing, the Board concludes that the discharge should be recharacterized to general.

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 a general discharge by reason of misconduct on 5 July 2000 vice the other than honorable discharge 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 17 December 2001.

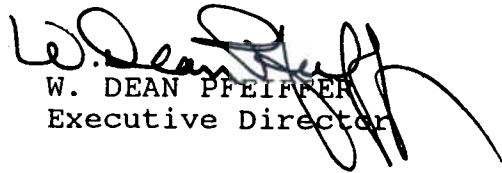
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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