



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

TJR
Docket No: 2383-02
9 October 2002

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 Naval Reserve filed enclosure (1) with this Board requesting that the characterization of his discharge be changed.

2. The Board, consisting of Mr. McBride, Ms. McCormick, and Mr. McPartlin, reviewed Petitioner's allegations of error and injustice on 8 October 2002 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 Naval Reserve on 23 December 1943 at the age of 18, and began a period of active duty on 3 January 1944.

d. On 11 November 1944 Petitioner received the Purple Heart for wounds he received in action on 24 October 1944.

e. Petitioner served for more than a year without incident. However, on 15 January 1944, Petitioner began a 21 day period of unauthorized absence (UA) that was not terminated until he was apprehended on 5 February 1945. During this period of UA, Petitioner also missed the movement of his ship. On 29 March 1945 Petitioner was convicted by summary court-martial (SCM) of these offenses and sentenced to a \$162 forfeiture of pay and confinement for 25 days.

f. On 20 March 1945, after undergoing a medical examination, Petitioner was diagnosed with combat fatigue. As a result of this diagnoses, Petitioner was found unfit for sea duty and as such was assigned to shore duty for six months.

g. On 31 May 1945 Petitioner received captain's mast (CM) for arriving late to relieve the watch.

h. On 2 November 1945, following a medical survey board, Petitioner was found to be unable to adjust to military life and unfit for further service. At that time he was recommended for an administrative separation.

i. On 14 December 1945 Petitioner was issued a general discharge under honorable conditions by reason of unfitness based on the 2 November 1945 medical survey. At the time of his discharge, Petitioner's conduct average of 2.85 was below the average mark of 3.25 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 the nature of Petitioner's misconduct and does not condone his infractions. However, the Board is also aware of Petitioner's youth and immaturity, participation in combat which warranted the Purple Heart, length of service during wartime, and battle fatigue. Even though Petitioner's conduct average did not meet the requirement for a fully honorable characterization of service, 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:

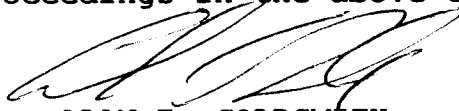
a. That Petitioner's naval record be corrected to show that he received an honorable discharge on 14 December 1945 vice the general discharge under honorable conditions actually issued on that date.

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 14 March 2002.

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.



W. DEAN PFEIFFER
Executive Director