



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

Docket No: 8941-02
10 September 2003

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) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlistment member in the Naval Reserve, filed an application with this Board requesting that his record be corrected to show a better characterization of service than the good discharge issued on 8 September 1944.

2. The Board, consisting of Mr. Chapman, Mr. Milner and Mr. Grover, reviewed Petitioner's allegations of error and injustice on 3 September 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. 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 Naval Reserve on 16 September 1942 at age 21 and reported for active duty on 5 November 1942. He then served in a satisfactory manner for about 13 months. During this period, he served outside the United States in the Pacific Area. He was hospitalized on 3 December 1943 and was ultimately sent to a Naval hospital in the United States. On 12 August 1944 a board of medical survey recommended that he be discharged. After review, this recommendation was approved and Petitioner was issued a good discharge on 12 August 1944. At

that time, he was issued an honorable service lapel pin.

d. Regulations in effect at the time allowed for the issuance of a good discharge in cases such as this. Such a discharge was not considered to be derogatory. However, later regulations authorized the issuance of an honorable discharge under similar circumstances, and a good discharge may be considered as less than fully honorable.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that Petitioner's period of good service and the fact that he was discharged due to circumstances beyond his control are sufficient to support the issuance of an honorable discharge. Accordingly, given the passage of time and the possibility that the good discharge may have a derogatory connotation, the Board concludes that Petitioner's discharge should now be recharacterized to honorable.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 8 September 1944 he was issued an honorable discharge vice the good 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.

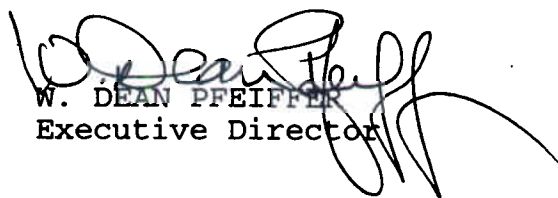
ROBERT D. ZSALMAN
Recorder



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