



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

TJR  
Docket No: 10569-06  
17 July 2007

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [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 Navy, filed enclosure (1) with this Board requesting that the characterization of his discharge be changed.
2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED], reviewed Petitioner's allegations of error and injustice on 17 July 2007 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 Navy for three years on 8 November 1948 at age of 17. At that time he had completed nine years of formal education. His general classification test (GCT) score was 48, which placed him in Mental Group III.

d. During the period from 16 July 1949 to 17 November 1950 Petitioner received captain's mast (CM) on six occasions and was convicted by summary court-martial (SCM) and deck court (DC). His offenses were two periods of unauthorized absence (UA) totalling four days, missing muster, two specifications of shirking, failure to clean his station, sleeping on post, and two periods of absence from his appointed place of duty. On 2 February 1951 Petitioner was convicted by SCM of falsehood as evidenced by his lying to an officer about not receiving his blue dress trousers from the cleaners. He was sentenced to a bad conduct discharge (BCD).

e. On 31 May 1951, approximately five months prior to Petitioner's 20th birthday, he received the adjudged BCD.

f. A telephonic report from the Federal Bureau of Investigation (FBI) confirms Petitioner's good post service conduct.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action, and based it's finding on Petitioner's youth and immaturity, limited education, good post service conduct, and the relatively minor nature of his misconduct, especially the offense of falsehood that resulted in the BCD, and occurred prior to his 20th birthday. Given Petitioner's obvious immaturity, he may have been unable to fully understand the life-long consequences of his misconduct and a punitive discharge. The Board also takes into account Petitioner's virtually unblemished post service conduct.

Based on the foregoing, and considering the fact that Petitioner has suffered the consequences of a BCD for nearly 60 years, the Board concludes that no useful purpose is served by continuing to characterize his service as having been under other than honorable conditions, and recharacterization to a general 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 was issued a general discharge on 31 May 1951 vice the BCD actually issued on that same day.

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 28 September 2006.

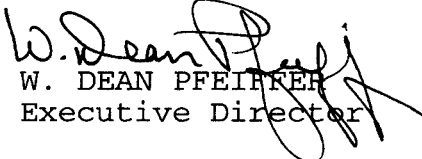
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

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