



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

BAN
Docket No: 01972-08
12 November 2008

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 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 United States Navy, filed enclosure (1) with this Board requesting, in effect, that his characterization be changed from a general discharge to an honorable discharge.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED], and Ms. [REDACTED], reviewed Petitioner's allegations of error and injustice on 29 October 2008 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. Petitioner enlisted in the Navy on 16 August 1960. In September 1961, Petitioner submitted a hardship separation request in order to be released from active duty service to take care of his ailing parents. His package consisted of medical documentation of his parents illness and his family's support to be released in order to take care of them. However, his request was denied.

c. On 31 October 1961, Petitioner was convicted at a summary court-martial for an unauthorized absence in excess of 12 days. Petitioner claims that he went home to take care of his parents since his sister, who was currently taking care of them, left them unattended.

d. On 17 January 1962, he was separated by reason of unsuitability and received a general discharge and an RE-4 reenlistment code.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action.

The Board initially notes that Petitioner initially served without disciplinary action until his unauthorized absence due to his parents' illness and the denial of his hardship separation request. The Board concludes that an honorable discharge is warranted due to extenuating circumstances regarding his unauthorized absence which led to his conviction at a summary court-martial. In view of the above, the Board directs the following relief.

RECOMMENDATION:

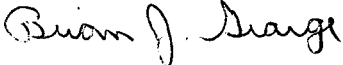
a. That Petitioner's naval record be corrected to show a change in characterization from general to honorable which was assigned on 17 January 1962.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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


BRIAN J. GEORGE
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 PFEFFER
Executive director