



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

CRS

Docket No: 1804-09
9 July 2010

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

Subj: FORMER [REDACTED] (Deceased),
[REDACTED] REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, the brother of Subject, a deceased former service member filed enclosure (1) with this Board requesting, in effect, that his brother's naval record be corrected to show a more favorable type of discharge than the general discharge issued on 22 September 1967.

2. The Board, consisting of Ms. E [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 May 2010 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, his 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. Subject enlisted in the Marine Corps on 20 December 1966. On 6 December 1967 he was diagnosed with a schizoid personality disorder. He had been referred for psychological evaluation because of his repeated complaints of lower abdominal pain, which was thought to be psychosomatic in origin. On 22 September 1967 he received a general discharge by reason of physical disability.

c. On 27 September 1967, after his discharge, Subject went to a hospital where he was found to have a testicular tumor. On 4 December 1967 the Bureau of Medicine recommended his transfer to the Temporary Disability Retired List (TDRL). The Bureau of Naval Personnel concurred and placed him on the TDRL as of 23

September 1967. He died on 21 January 1968.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board believes that Subject's conduct and performance were adversely affected by his undiagnosed terminal illness, and that it would be in the interest of justice to upgrade his discharge.

RECOMMENDATION:

a. That Subject's naval record be corrected to show that he was released from active duty by reason of physical disability on 22 September 1967 with an honorable characterization of service.

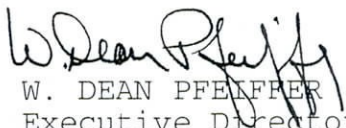
b. That a copy of this Report of Proceedings be filed in his naval record.

4. Pursuant to Section 6© of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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


JAMES R. EXNICIOS
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