



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

SJN  
Docket No: 06348-10  
4 April 2011

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]  
[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 a change in the general characterization of his service assigned on 5 February 1988.

2. The Board, consisting of Mr. Exnicios, Mr. Pfeiffer, and Mr. Ivins, reviewed Petitioner's allegations of error and injustice on 29 March 2011 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 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 and began a period of active duty on 25 March 1986. On 10 July 1986, he received nonjudicial punishment (NJP) for wrongful use of marijuana. He received a forfeiture of pay. Additionally, he was counseled and warned that further misconduct could result in administrative

discharge action. He served without incident until 3 February 1988, when he was diagnosed with a personality disorder. Subsequently, he was notified of pending administrative separation action by reason of convenience of the government due to the diagnosed personality disorder. He elected to waive the rights to consult counsel, or submit a statement. On 5 February 1988, he received a general discharge.

d. Based on the information currently contained in his record, on 6 May 1988, his commanding officer (CO) forwarded his case to the separating authority, stating that he directed his separation from the naval service with an honorable discharge on 5 February 1988.

e. Petitioner's characterization of service, at that time, should have been based on his individual trait averages computed from marks assigned on a periodic basis. His overall conduct average was 3.9. At the time of his service, an average of 3.0 was 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 relief.

The Board concurs with the CO's letter of 6 May 1988 that directed he receive an honorable discharge. Although he did receive NJP for drug use, his CO did not also use misconduct to process him, and per his delegation authority at that time, administratively separated him due convenience of the government based only on his diagnosed personality disorder. The Board concludes that he should have received an honorable discharge. In view of the above the Board directs the following corrective action:

#### RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 5 February 1988, he received an honorable discharge vice the general discharge, now of record.

b. That a copy of this report of proceedings be filed in Petitioner's naval record.

c. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received on 14 June 2010.

4. Pursuant to Section 6(c) 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

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 PFEIFFER  
Executive Director