



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

RDZ:ecb
Docket No. 07770-10
8 October 2010

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
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, applied to this Board requesting that the general discharge issued to him on 9 June 2006 be upgraded.

2. The Board, consisting of Messrs Grover, Neuschafer and Ms. Aldrich, reviewed Petitioner's allegations of error and injustice on 5 October 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, 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's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 13 August 2003 at age 18. Petitioner began to experience financial difficulties in the latter part of 2005 that resulted in a formal warning and counseling session in January 2006 regarding late payments to creditors and overdrafts on his accounts at the Navy Federal Credit Union. Unfortunately Petitioner's inability to manage his financial affairs in a proper

manner resulted in his receiving nonjudicial punishment (NJP) in March 2006 for a making a false official statement regarding the status of his debts. This was Petitioner's first and only disciplinary action in over two years and seven months of service.

d. Based on Petitioner's NJP and continuing financial problems he was administratively separated with a general discharge on 9 June 2006. At the time of his separation Petitioner's performance mark of 4.0 and conduct mark of 3.5 would, under normal circumstances, have resulted in an honorable discharge.

e. In his application to the Board Petitioner states that after his discharge he consulted with an attorney who after contacting Petitioner's creditors arranged for him to undergo processing under Chapter 7 of the federal bankruptcy laws thereby settling his outstanding debts.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that as a matter of clemency Petitioner is entitled to relief. The Board's conclusion is based on the minor nature of Petitioner's problems which appear to be attributable to his youth and inexperience in handling his finances and not due to any larcenous motives. Moreover despite his financial problems Petitioner earned above average to excellent marks in performance and conduct. Finally his post-service conduct is also worthy of consideration. Under these circumstances the Board believes that Petitioner's discharge should be upgraded to fully honorable.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 9 June 2006 he was issued an honorable discharge in lieu of the general discharge originally issued on that date.

b. That upon request that the Department of Veterans' Affairs be informed that Petitioner's application was received by the Board on 21 July 2010.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

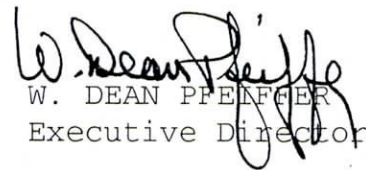
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



ROBERT D. ZSALMAN
Recorder

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 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