



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

SJN
Docket No: 00455-13
23 October 2013

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 Marine Corps, filed enclosure (1) with this Board requesting that his general characterization of service discharge be changed to honorable.

2. The Board, consisting of Ms. Barrow, Mr. Hendrick, and Ms. Wilcher, reviewed Petitioner's allegations of error and injustice on 22 October 2013 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 Marine Corps and began a period of active duty on 22 March 1968, and served without incident until 21 November 1969, when he was medically diagnosed with somnambulism. At that time he was recommended for

separation. Subsequently, Petitioner was notified of proposed action for an administrative separation for unsuitability due to the diagnosed disorder. After being afforded all of his procedural rights, his case was forwarded, and it was directed that he receive a general discharge.

d. Petitioner's characterization of service should have been based on his individual conduct trait averages computed from marks assigned on a periodic basis. The Board found that his overall conduct trait average was 4.3. At the time of his service, an average of 4.0 was required for a fully honorable characterization of service. However, his DD Form 214 states that his characterization of service was "Under Honorable Conditions".

CONCLUSION:

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

Although Petitioner was medically diagnosed with somnambulism, his DD Form 214 erroneously states that his characterization of service is under honorable conditions. Consequently, the characterization of service on his DD Form 214 should be changed to read "Honorable" based on his overall conduct trait average. With regard to correcting the other discrepancies on his DD Form 214, because his request is for administrative corrections, which do not require action by this Board, he may submit his request to the Department of Navy, Navy Personnel Command (BUPERS), Code Pers-312, 5720 Integrity Drive, Millington, TN 38055-3120. In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that on 2 January 1970, he received an honorable discharge vice the general discharge actually issued on that date. Additionally, that he be issued a new Certificate of Release or Discharge from Active Duty (DD Form 214) certificate.

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 by the Board on 17 December 2012.

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