



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 5127-14
28 January 2015

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

Subj: REVIEW NAVAL RECORD OF [REDACTED] USN,
[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, in effect, that his other than honorable discharge be changed to honorable, and narrative reason for separation to convenience of the government.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 6 January 2015 and, pursuant to its regulations, determined that the partial 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 19 July 1995. During the period from 7 February to 30 May 1996, he was seen by medical personnel for suicidal gestures, and an adjustment disorder with depressed mood. He was found fit for duty and given resources to use if there were further problems. At that time, no further psychiatric follow-up was required.

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d. On 16 July 1996, Petitioner signed an enlisted evaluation covering the period from 16 January to 15 July 1996, that states, in part, that he was antisocial, argued with peers, had difficulty making friends, financially irresponsible by uttering hundreds of dollars in worthless checks to the Navy Exchange and ship's store, and was frequently counseled. During the period from 2 November to 13 January 1997, he received three nonjudicial punishments (NJP) for unauthorized absence and four instances of failing to go to his appointed place of duty. Although his record is incomplete, it appears that after being afforded all of his procedural rights, he was administratively discharged due to a pattern of misconduct on 31 January 1997.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial relief. In this regard, the Board concludes that based upon his record of service, to include the three NJP's for relatively minor offences, that relief in the form of his characterization of service be changed to general. However, the Board concludes that the narrative reason for discharge shall remain misconduct due to a pattern of misconduct. In view of the above, the Board directs the following partial corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 31 January 1997, he received a "general discharge" vice discharge under other than honorable conditions.

b. That no further relief be granted.

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

d. That, upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 11 March 2014.

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

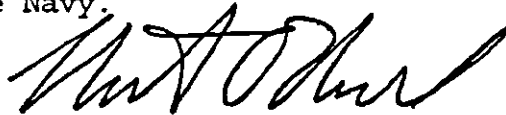
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present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



T. J. REED
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.



ROBERT J. O'NEILL
Executive director