



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 374-97

15 October 1999

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve filed enclosure (1) with this Board requesting that his general discharge be recharacterized to an honorable discharge.

2. The Board, consisting of Mr. Swarens, Mr. Dunn and Mr. Flood, reviewed Petitioner's allegations of error and injustice on 13 October 1999 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 it appears that 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 served on active duty during World War II from 3 November 1942 until he was honorably discharged on 14 February 1946.

d. Petitioner reenlisted in the Naval Reserve on 18 March 1948. He was recalled to active duty on 26 September 1950 as part of the mobilization for the Korean conflict. However, in connection with recall he was found not physically qualified and was returned to his reserve unit. Subsequently, he was discharged because he was not physically qualified. In

accordance with regulations then in effect, he was issued a general discharge on 14 June 1951.

e. Petitioner contends that he should have been issued an honorable discharge because he reported as ordered and was found not physically qualified due to a heart condition. He has submitted evidence showing that he has been a good citizen all of his life.

f. The Board is aware that general discharges were routinely issued in cases such as this and such a discharge was not considered to be derogatory at the time. Current regulations would require an honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given his excellent record during World War II and his good citizenship, the Board concludes that no useful purpose is now served by the general discharge and it should now be recharacterized to honorable.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 14 June 1951 he was issued an honorable discharge from the Naval Reserve vice the general discharge now of record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

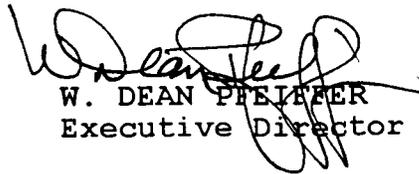
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


ALAN E. GOLDSMITH
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