



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

TJR  
Docket No: 5462-01  
10 May 2002

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 case file

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 characterization of his discharge.

2. The Board, consisting of Messrs. Dunn, Beckett, and Lippolis, reviewed Petitioner's allegations of error and injustice on 7 May 2002 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 and applicable statutes, regulations, and policies. The Board was unable to obtain Petitioner's naval record, and conducted its review based on the documentation submitted with his application.

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 enlisted in the Navy on 15 July 1943. Presumably, Petitioner served until his separation with no disciplinary infractions.

d. On 11 August 1943 Petitioner was issued an indifferent discharge under satisfactory conditions by reason of unsuitability.

e. Indifferent discharges were awarded during World War II to individuals who failed to complete a period of training. This characterization of service was roughly equivalent to a general discharge. This sort of discharge was discontinued after World War II, and such individuals were normally issued general discharges. The policy was later changed to authorize an honorable discharge to individuals discharged under circumstances similar to Petitioner's. Under today's standards, such an individual would receive an uncharacterized entry level separation.

f. In his application, Petitioner contends that local officials of the Department of Veterans Affairs (DVA) do not understand the meaning or effect of an indifferent discharge.

CONCLUSION:

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

Based upon Petitioner's record of service, which includes only 27 days of service during training, the Board concludes that an honorable discharge is not appropriate. However, the Board notes that Petitioner may be having problems with DAV since indifferent discharges have not been issued since World War II, and few veterans have such a discharge. Accordingly, the Board concludes that the discharge should be changed to the more commonly known general discharge, which is also a separation under honorable conditions, and is roughly equivalent to the indifferent discharge.

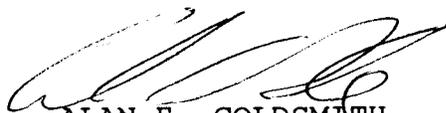
RECOMMENDATION:

a. That Petitioner's naval record be corrected by showing that on 11 August 1943 he received a general discharge vice the indifferent discharge now of record.

b. 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

  
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 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.

  
For W. DEAN PFEIFFER  
Executive Director