

VA Regional Office
Louisville, KY

ADMINISTRATIVE DECISION

ISSUE: Character of Discharge Determination.

FACTS:

The veteran entered on active duty in the U. S. Army on 1/4/68 and received an honorable discharge on 9/10/68. He reentered active duty on 9/11/68 and received a discharge under conditions other than honorable on 10/8/70. He was not eligible for complete separation from the first period of service when he entered on the second.

He received company punishment on 7/29/69 for a period of AWOL from 7/28/69 to 7/29/69. He received company punishment on 8/16/68 for a period of AWOL from 8/10/68 to 8/14/68. He received company punishment on 11/17/69 for violating a lawful regulation by being in an unauthorized area without a pass. He received company punishment on 3/17/70 for violating a lawful written regulation by speeding. On 8/12/70, he was charged with a period of AWOL from 4/20/70 and (to) 4/22/70 and a period of AWOL from 6/22/70 to 8/10/70. He requested discharge for the good of the service rather than face trial by court-martial on these charges. This was granted to him in the form of a discharge under conditions other than honorable.

DISCUSSION:

VA Regulation 1012(D)(4) is for application.

DECISION:

The two enlistments mentioned above constitute one period of service. The veteran's discharge on 10/8/70 for the period of service beginning 1/4/68 was under dishonorable conditions due to his willful and persistent misconduct.

SUBMITTED BY

RE Fin
Adjudicator

8-10-72

APPROVED BY

F. O. Sullivan
Authorization Officer

8-11-72