



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

TRG
Docket No: 7325-98
16 July 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 Navy filed enclosure (1) with this Board requesting that her reenlistment code be changed.

2. The Board, consisting of Mr. Mathews, Mr. Dunn and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 13 July 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. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 29 October 1996 at age 20. On 19 November 1996 she was diagnosed with asthma. The doctor notes that "this condition was not correctable to meet Navy standards" and recommended administrative separation. Based on the doctor's recommendation, she was processed for an administrative separation due to erroneous enlistment. In connection with this processing, she waived all of her procedural rights. On 26 November 1996, the commanding officer directed an entry level separation and she was so separated on 28 November 1996. The narrative reason for separation is "Erroneous Entry (other)" and the Separation Program Designator (SPD) is "JFC". At that time she was not recommended for reenlistment and was assigned an RE-4 reenlistment code.

d. Petitioner contends that she does not have asthma and requests that her reenlistment code be changed. She states that before coming in the Navy she could run two miles without difficulty. She had submitted several post service pulmonary function tests (PFT) which she contends show that she does not have asthma.

e. Attached to enclosure (2) is an advisory opinion from the Pulmonary Division, National Naval Medical Center. The advisory opinion states, in part, as follows:

... The information obtained to this point was suggestive of asthma, but was not sufficient to allow a diagnosis of asthma to be made.

.. Fortunately, (she) had further testing performed after being discharged from the Navy. ... The PFT indication listed is wheezing and shortness of breath. This information, in conjunction with the data obtained by the physicians at Great Lakes RTC is sufficient to establish the diagnosis of asthma (airways obstruction on more than one occasion with reversibility and symptoms).

.. My recommendation is to not modify/correct the discharge status. The available information supports the diagnosis of asthma and the post-service medical information confirms this impression of the physician at Great Lakes. My opinion is that she does indeed have asthma and was enlisted in error. ...

f. Regulations allow for the assignment of an RE-3E or an RE-4 reenlistment code when an SPD code of JFC is used.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the comments from the National Naval Medical Center and believes that Petitioner probably has asthma and was properly separated from the Navy. However, the Board also notes that based on the available documentation, the diagnosis cannot be conclusive. Additionally, there is no indication in the record that Petitioner had any problems in recruit training except those directly related to the diagnosed asthma. Therefore, the Board concludes that the RE-4 reenlistment code is inappropriate and should now be changed to the less restrictive RE-3E. This code will alert recruiters that an evaluation of her physical status is required before an enlistment can be authorized.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will be aware of the diagnosis of asthma and understand the reason for the change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was assigned an RE-3E reenlistment code on 28 November 1996 vice the RE-4 reenlistment code 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