



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

JRE  
Docket No. 02659-09  
15 December 2009

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

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was honorably discharged by reason of physical disability vice discharged under honorable conditions by reason of a condition not a disability.

2. The Board, consisting of Messrs. [REDACTED], [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 10 December 2009 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. Enclosure (1) was filed in a timely manner.

b. Petitioner enlisted in the Navy on 7 July 2005. She received nonjudicial punishment on 19 October 2007 for insubordinate conduct toward a warrant officer and loss, damage, destruction or wrongful disposition of government property. The punishment consisted of a written reprimand and a suspended forfeiture of pay. She received an Evaluation Report and Counseling Record (E1-E6) on 25 April 2007, and achieved an individual trait average of 3.33. She was promoted to AS3, E-4,

effective 16 June 2008. She received an Evaluation Report and Counseling Record (E1-E6) for the period 26 April 2007-20 June 2008 in which she was recommended for retention and achieved an individual trait average of 3.00. She was discharged under honorable conditions on 20 June 2008 by reason of a condition not a disability.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner failed to submit sufficient relevant evidence to demonstrate that she was unfit for further service by reason of physical disability at the time of her discharge. It concludes further that she performed her duties in a highly creditable manner throughout the majority of her enlistment, and that her overall record of service warrants a fully honorable characterization of service.

In view of the foregoing, the Board recommends the following corrective action.

RECOMMENDATION:

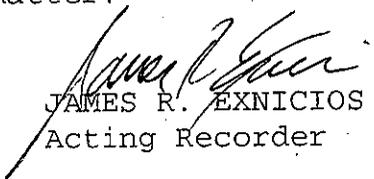
a. That Petitioner's naval record be corrected to show that she was separated from the Navy on 20 June 2008 with an honorable discharge, vice a discharge under honorable conditions.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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 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

  
JAMES R. EXNICIOS  
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