



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

BAN
Docket No: 2821-09
29 December 2009

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 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, in effect, that his reason for separation (fraudulent enlistment) and his separation code (JDA) be changed on his "Certificate of Release or Discharge from Active Duty" (DD Form 214).

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 15 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. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy on 21 January 2009, and served without disciplinary incident. However, on 2 February 2009, he was medically disqualified due to a diagnosed condition of hyperglycemia. Therefore, on 13 February 2009, he was separated from naval service with an entry level separation and an RE-4 reenlistment code. His recruiters were unaware of his condition prior to enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. He served without disciplinary infractions, and only separated because he had a medical condition that did not allow him to serve in the military. Further, the Board believes that there was no indication that he knew that he had the medical condition prior to entry into the naval service. Therefore, the Board concludes that his reason for separation should be changed from fraudulent to erroneous and the separation code should be changed from JDA (fraudulent) to JFC (erroneous enlistment, not due to alcohol abuse). In view of the above, the Board recommends the following action.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected by changing the reason for separation on his DD Form 214 to read, "erroneous entry", and the separation code be changed to JFC vice JDA, which were assigned on 13 February 2009.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of 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


BRIAN J. GEORGE
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.


FR W. DEAN PFEIFFER
Executive director