



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

JRE

Docket No: 4814-09  
15 June 2009

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

Subj: FORMER [REDACTED]; REVIEW OF  
NAVAL RECORD

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

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

1. Pursuant to the provisions of reference (a), Petitioner applied to this Board requesting her naval record be corrected by changing the basis for her separation from fraudulent entry to physical disability.

2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 29 May 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 2 September 2008. A medical record entry dated 18 September 2008 indicates that she reported a history of "knee problems for many years", and that she had never sought "professional medical treatment" for a knee condition prior to enlisting. She was discharged by reason of fraudulent entry on 10 October 2008 and assigned a reentry code of RE-8 because of her failure to disclose her history of knee pain.

c. Petitioner contends, in effect, that although she experienced knee pain from time to time before she enlisted, she did not have any reason to believe that she had a disqualifying knee condition. Furthermore, she did not knowingly conceal any significant aspects of her medical history when she applied for enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board believes that the reason for her discharge should be changed to erroneous entry as it does not appear that she concealed a significant knee disorder in order to procure her enlistment. In addition, there is basis for concluding that she knew she would be unable to withstand the rigors of recruit training due to her physical condition. Accordingly, the Board recommends that Petitioner's reason for separation be changed to erroneous entry, and that she be assigned a reentry code of RE-3E vice RE-8.

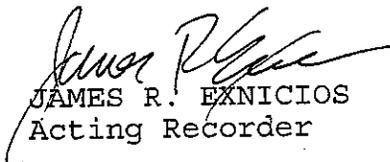
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 10 October 2008 she received an entry level separation by reason of erroneous entry and was assigned a reentry code of RE-3E.

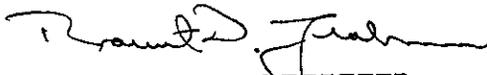
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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

  
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  
Executive Director