



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

JRE  
Docket No. 07900-09  
21 August 2009

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

Subj: FORMER SR, [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 discharged for a reason other than fraudulent entry, and that she be assigned a reentry code that will permit her to reenlist. She contends, in effect, that although she had been treated by a dermatologist as a child, she did not know that she been diagnosed with eczema, and that she did not knowingly conceal a history of eczema when she applied for enlistment.

2. The Board, consisting of Ms. [REDACTED] and Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 August 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. Enclosure (1) was filed in a timely manner.

c. Petitioner underwent a pre-enlistment physical examination of 10 June 2008. She completed a Report of Medical History on that date in which she disclosed a history of disqualifying

right shoulder injuries which required two arthroscopic surgical procedures to correct. She denied having a history of skin diseases by checking "No" in item 13g of the report, which gives: "acne, eczema, psoriasis, etc" . The nurse practitioner who examined Petitioner reported normal results of a clinical evaluation of Petitioner's skin. Petitioner was found not physically qualified for enlistment on 10 June 2008 because of her history of shoulder instability and recurrent dislocations, but was granted a waiver of physical disqualification on 10 July 2008. She enlisted on 17 February 2009, and was given a prescription for an acne medication of 25 February 2009. On 25 March 2009, she sought treatment for skin lesions on her face, neck, upper chest, arms and hands which began after she started using the acne medication and persisted after she stopped using it. She reported a history of sensitive skin and treatment by a dermatologist when she was a child. She was evaluated by a Navy dermatologist, who diagnosed her condition as eczema and recommended that she receive an entry level medical separation. Her commanding officer chose to process her for separation by reason of fraudulent entry due to her failure to disclose her history of eczema, rather than by reason of erroneous entry or failure to meet procurement medical standards. She was discharged by reason of fraudulent entry on 22 April 2009, and assigned a reentry code of RE-4.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner was properly discharged in view of her failure to disclose her history of skin disease, because disclosure of that history might have delayed or precluded her enlistment; however, it does not appear that she had an intent to defraud recruiting officials, because she did not knowingly make any material misrepresentations in order to procure an enlistment. In this regard, the Board accepts her contention to the effect that although she had a remote history of acne and other unknown skin disease(s), she did not know that she had been given a diagnosis of eczema or that a history of eczema was disqualifying for enlistment. In addition, the Board noted that she willingly disclosed her history of shoulder injuries and arthroscopic surgery and was required to obtain a waiver of that history in order to enlist.

In view of the foregoing, the Board concludes that the current basis for Petitioner's discharge is unjust, and that the following corrective action is warranted.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 22 April 2009, she was discharged for the convenience of the government by reason of a condition, not a disability, which interfered with her performance of duty, and that she was assigned a reentry code of RE-3G.

b. 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