



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 3649-20
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, XXX-XX [REDACTED]

Ref: Title 10 U.S.C. § 1552

Encl: (1) DD Form 149 with attachments
(2) Physical Readiness Information Management System Entry
(3) OPNAV Memo 5420 OPNAV N170, subj: Request for Comments and Recommendations in the case of [Petitioner], of 7 July 2020
(4) [REDACTED] CO Memo Ser N0/159, subj: Application and Letter for Correction of Military Record in the case of [Petitioner], of 27 April 2020

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that her naval record be corrected by removing her 2018 Cycle 2 Physical Fitness Assessment (PFA) failure and that she be reconsidered for Fiscal Year 2020 selection for advancement to E-7 due to a medical misdiagnosis.
2. The Board reviewed Petitioner's allegations of error or injustice on 25 March 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all of the facts of record pertaining to Petitioner's allegations of error or 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 entered active duty with the Navy in 2002 and served successfully for a number of years while rising to the paygrade of E-6
 - c. In May 2017, Petitioner gave birth to a child but later suffered from symptoms of arthritis requiring medical treatment in August 2017. She was diagnosed with polymyalgia arthritis and began treatment.
 - d. On 5 September 2017, Petitioner followed up with her primary care manager (PCM) to review her laboratory results as directed and to discuss weight loss options. Petitioner requested

to discuss the latter as a consequence of her inability to exercise properly due to her condition. Petitioner asserts that her PCM did not pay much attention to her laboratory results, and referred her to a nutritionist for her weight concerns.

e. On 16 October 2017, Petitioner visited a nutritionist pursuant to the referral of her PCM. Noting that Petitioner's laboratory results showed positive for rheumatoid arthritis, the nutritionist referred Petitioner back to her PCM for a different treatment plan.

f. In the fall of 2018, Petitioner sought a PFA waiver based on a reported foot condition as part of her Physical Activity Risk Factor Questionnaire (PARFQ). She was not, however, granted a waiver and subsequently failed the Body Composition Assessment (BCA) portion of the PFA. She did, however, pass the Physical Readiness Test (PRT) portion of the PFA. As a result of her BCA failure, Petitioner failed the Fall 2018 Cycle 2 PFA. See enclosure (2). Petitioner asserts that she failed the BCA because she was unable to lose weight due to not being able to exercise properly as a result of her painful condition. She also asserts that her PFA failure resulted in several adverse consequences, including a substandard fitness report that contributed to her non-selection in FY20 for E-7, her non-selection as Sailor of the Year, and the denial of her request for tuition assistance to enroll in a college class.

g. In February 2019, Petitioner underwent further laboratory tests which again revealed rheumatoid arthritis. Under the care of a new PCM, she was referred to a specialist for treatment and was issued a 30-day Light Duty Chit which allowed her to exercise at her own pace.

h. In April 2019, Petitioner's Physical Health Assessment was flagged due to her arthritic condition and she was placed in a limited duty status on 21 May 2019. As a result, she was waived from 2019 PFA Cycles One and Two as part of her treatment plan. Petitioner asserts that this allowed her body to recover from the damage resulting from her condition and that she was on her way to a full recovery at the time of her application.

i. Petitioner asserts that she would have passed the BCA, and therefore passed the 2018 Cycle Two PFA, if she had started treatment for rheumatoid arthritis in August 2017.

j. By memorandum dated 7 July 2020, OPNAV N170 (Physical Readiness Program Section) provided an advisory opinion (AO) for the Board's consideration. The AO notes that Petitioner had a positive PARFQ screening and sought medical treatment prior to the subject PFA only for foot pain. The AO also noted that she was able to complete the PRT at the time. Accordingly, the AO found insufficient evidence to warrant relief. See enclosure (3).

CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Board concluded, contrary to the findings of the AO, that partial relief is warranted in the interests of justice.

The Board found no error in Petitioner's 2018 Cycle 2 PFA failure due to her BCA failure, or in the recording of this failure in her Physical Readiness Information Management System (PRIMS) record. As noted by the AO, Petitioner was not medically waived from the 2018 Cycle

2 PFA, and was physically capable of passing the PRT portion of the PFA. Accordingly, the Board was not persuaded by Petitioner's argument that her misdiagnosis adversely affected her ability to pass the PFA.

Although the Board was not persuaded that Petitioner's misdiagnosis adversely affected her ability to pass the PFA, it nonetheless determined that the PFA failure in question should be removed from Petitioner's records in the interests of justice based upon her sustained superior performance and potential as a future leader in the Navy. In making this recommendation, the Board took special notice of the recommendation of Petitioner's commander, who described her as "one of the finest Sailors, across all rates and pay grades," with whom he had ever served. See enclosure (4). The Board was also impressed by Petitioner's selection as the [REDACTED] of the Year and the [REDACTED] of the Year, which reflected that Petitioner has continued to demonstrate superior performance despite the adverse consequences of her PFA failure.

Despite the Board's recommendation to remove the 2018 Cycle 2 PFA failure from Petitioner's record, the Board concluded Petitioner's request to be reconsidered for FY20 selection for promotion to E7 should be denied. The Board found insufficient evidence to conclude that Petitioner's non-selection to E-7 was a result of her PFA failure. Further, as discussed above, the Board was not persuaded by Petitioner's argument that her medical misdiagnosis prevented her from passing the PFA. Accordingly, the Board believed that its exercise of its equitable relief authority to remove Petitioner's PFA failure provided sufficient relief under the circumstances, and that providing her the opportunity for reconsideration for promotion to E-7 was not warranted.

RECOMMENDATION:

In view of the above, the Board recommends that the following corrective action be taken on Petitioner's naval record:

That all references to Petitioner's 2018 Cycle 2 PFA failure be removed from her record, to include the PRIMS entry at enclosure (2).

That no further changes be made to Petitioner's record.

4. It is certified that 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 titled matter.

5. The foregoing action of the Board is submitted for your review and action.

3/30/21

[REDACTED]

Executive Director

Subj: REVIEW OF NAVAL RECORD ICO [REDACTED] USN, XXX-XX-[REDACTED]

ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

[REDACTED]

Reviewed and Approved Petitioner Request (Grant Relief)

[REDACTED]

4/29/2021

[REDACTED]

Assistant General Counsel (M&RA)

Signed by: [REDACTED]