



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

[REDACTED]
Docket No: 8095-21
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER [REDACTED],
USN, [REDACTED]

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

Encl: (1) DD Form 149
(2) Case summary

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 adjustment to the character of service and reentry code listed on his Certificate of Release or Discharge from Active Duty (DD Form 214). Enclosures (1) and (2) apply.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 14 February 2022, 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, relevant portions of his naval service 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. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to review the application on its merits.

c. The Petitioner enlisted in the Navy and began a period of active duty on 15 May 2017. On the same date, Petitioner elected to change his military primary specialty to advanced technical field special warfare operator (SEAL).

d. On 15 August 2017, an MRI from the Petitioner's hips and pelvis reflected the presence of chronic stress related and degenerative changes resulting from prior pelvic and hip injuries, and likely remote straddle fracture of pubic symphysis.

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e. On 20 September 2021, Petitioner was seen by a private medical provider and diagnosed with asymptomatic bilateral acellular protrusio without any restrictions of activities.

f. On 27 September 2017, a Navy medical officer diagnosed the Petitioner with bilateral acetabular protrusio. Further, the medical officer determined that based on his Sports Medicine experience with Marine Infantry and Special Operations and knowing that Petitioner would be going into the most strenuous job in the military involving extensive hiking, running, jumping, swimming, diving and fighting, he was at high-risk of not completing training and high-risk of early OA of BIL Hips, which would mean possible early Hip Replacement surgeries and early retirement after spending years and millions of dollars to train him. Therefore, the medical officer recommended that Petitioner be administratively separated from service with an entry level separation by reason of EPTE condition of bilateral hips.

g. On 16 November 2017, Petitioner was administratively separated from the Navy with an entry level separation (ELS) discharge characterization of service by reason of condition, not a disability.

h. Petitioner contends that he was separated from the Navy due to a perceived Hip defect that was discovered during BUD/S training. He was required to be medically evaluated and ended up being removed from class after a suspected diagnosis of avascular necrosis of his femoral head. His MRI came back negative for such condition and he was sent to the first hip specialist recommended by the Navy. Petitioner states that he was diagnosed with asymptomatic acetabular protrusio, which means that his hip sockets are deep set and his femur sits deep inside his socket. He claims that the Hip specialist who diagnosed him with this condition concluded that he had no physical restriction whatsoever. Further, he was recently seen by another Hip specialist who confirmed the diagnosis and came to the same conclusion. Petitioner claims that he was cleared for duty by the doctors, and instead he was discharged from duty. Petitioner also contends that the only reason his condition was noticed was attributed to the extreme scrutiny during BUDS training. He states that he was able to pass both, his MEPS and his diver's physicals as required for those joining Special Forces training.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board determined the Petitioner's request warrants partial favorable action. The Board notes the Petitioner was diagnosed with a medical condition that would prevent him from being exposed to the most rigorous conditions expected during BUDS/S training. Further, the Board agrees that Petitioner's current medical condition is not considered severe enough to prevent him from further military service at a different capacity. Therefore, the Board concurs that Petitioner be warranted relief in the form of changing his reenlistment code from "RE-4" to "RE-3G."

In regard to the Petitioner's request for upgrade to his characterization of service, the Board determined the Petitioner was issued the appropriate characterization of service.

In view of the above, the Board directs the following corrective action:

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RECOMMENDATION:

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), to indicate he has a "RE-3G" reenlistment code.

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.

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.

3/3/2022

