



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

JRE
Docket No: 5274-99
16 June 2000

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

Subj: FORMER [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 he was not discharged because of osteoporosis, and that his reenlistment code be changed.

2. The Board, consisting of Ms. LeBlanc and Messrs. Caron and Milner reviewed Petitioner's allegations of error and injustice on 8 June 2000 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 enlisted in the Marine Corps on 11 March 1996. He experienced bilateral knee pain after commencing training, and was ultimately given diagnoses of stress fracture, left tibia, and avascular necrosis versus transient osteoporosis of the right femoral head. In the opinion of the orthopedic specialist who evaluated Petitioner, it was unclear whether the latter condition existed prior to Petitioner's enlistment, or was incurred in training. As Petitioner apparently indicated that he did not want to be evaluated by medical or physical evaluation boards, he was recommended for discharge for failure to meet minimum physical standards for enlistment. He was discharged by reason of "Defective Enlistment & Induction-Erroneous Enlistment-OSTEOPOROSIS" on 9 May 1996, and assigned a

reenlistment code of RE-3F, to indicate he had failed to complete recruit training.

d. In support of the application, Petitioner has submitted medical evidence which is to the effect that he does not suffer from osteoporosis.

e. DOD Directive 6130.3, Physical Standards for Appointment, Enlistment, and Induction, 2 May 1994, paragraph E1.9.13, provides that osteoporosis is condition which is disqualifying for enlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that although Petitioner may have suffered from transient osteoporosis, rather than avascular necrosis, the actual diagnosis is unclear. In any event, it does not appear that he suffered from generalized osteoporosis as may be inferred from the narrative reason for his separation as shown on his DD Form 214. The Board concludes that it would be in the interest of justice to resolve doubt in his favor, and change the basis for his discharge to condition, not a disability, interfering with duty, and his reenlistment code to RE-3P.

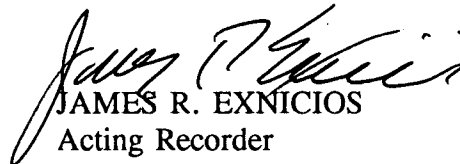
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was discharged from the Marine Corps on 9 May 1996 by reason of a condition, not a disability, interfering with duty, and that he was assigned a reenlistment code of RE-3P, vice RE-3F.

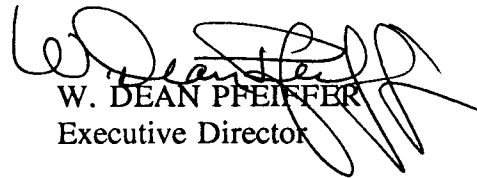
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

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
Executive Director