



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

[REDACTED]
Docket No: 7045-17
MAR 20 2018

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

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED]
USNR, [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(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 the applicable naval record be corrected to upgrade his characterization of service and change his narrative reason for separation to disability.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 1 March 2018 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 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 Reserve in November 1982 after a period of service in the Army Reserve that ended in 1966.

c. On 15 June 1986, Petitioner was notified of suspected glaucoma during a physical. He was recommended to see a civilian ophthalmologist for testing. After it was discovered he suffered from chronic open angle glaucoma, he was placed in a Not Physically Qualified (NPQ) status by the Navy. His status required him to provide routine medical status updates to the Navy every 30 days.

d. On 1 July 1987, Petitioner was sent a notice by certified mail that he was required to provide a medical update to the Navy. He received the notification and signed for it on 3 July 1987. He was sent a similar second notice on 27 August 1987. He signed for this notice on 29 August 1987. In both cases, he failed to respond to the request for medical information. As a result, he was recommended for administrative separation for non-compliance by the U.S. Naval

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Hospital Branch Clinic on 5 October 1987. Petitioner eventually contacts the Branch Clinic but is directed to contact his command.

e. Petitioner is discharged for unsatisfactory participation with an Other than Honorable characterization of service on 30 December 1987.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following partial corrective action.

The Board concluded that Petitioner was properly discharged for his failure to update the Navy on his medical status while NPQ. The Board felt Petitioner was counselled properly and given ample opportunity to respond to avoid his administrative separation. However, the Board felt an injustice exists in Petitioner's record due to the nature of Petitioner's disability condition. In the Board's opinion, Petitioner's glaucoma condition and his positive work performance prior to his diagnosis in 1986 is sufficient mitigation evidence to form the basis for relief. They determined that his characterization of service and narrative reason for separation are too harsh in light of his disability condition and service history to remain unchanged. Despite that finding, the Board deemed it inappropriate to change the narrative reason for separation to disability since there is no medical evidence that supports a finding that his glaucoma condition was incurred while on active duty.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner received an "Honorable discharge" by reason of "Secretarial Authority" on 30 December 1987, under MILPERSMAN 1910-164.

A copy of this Report of Proceedings will 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.

[REDACTED]
/Recorder

Subj: REVIEW OF NAVAL RECORD ICO FORMER MBR [REDACTED]
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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.

[REDACTED]
Executive Director