



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

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Docket No. 2113-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session on 1 August 2024, has carefully examined your current request. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board contesting the Navy's determination that you suffered from Asthma. The Board denied your request on 2 November 2006. The facts of your case remain substantially unchanged.

In your current petition, you again contend you were misdiagnosed, have never suffered from asthma, and your symptoms were due to allergies. You argue you warrant a change to your narrative reason for separation to "condition, not a disability" with a corresponding change to your reentry code to RE-1.

The Board carefully reviewed your petition and disagreed with your rationale for relief. In reaching its decision, the Board noted even if you did not have asthma, you had an identified

medical condition that caused you not to not meet physical standards for enlistment. The Board based their conclusion on your documented symptoms and the fact you were unable to continue training due to the symptoms. Consequently, the Board determined that your administrative discharge for failing to meet medical/physical procurement standards remains valid along with your assigned reentry code that prevents you from reentering the Navy without a waiver. As a result, the Board concluded there is no error or injustice in your record warranting correction. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

8/12/2024

