



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

[REDACTED]
Docket No. 8698-24
Ref: Signature Date

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

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

Ref: (a) 10 U.S.C. § 1552
(b) Petitioner's Medical Evaluation Board (MEB) file

Encl: (1) DD Form 149 w/enclosures
(2) Certificate of Release or Discharge from Active Duty (DD Form 214)

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 correction to her Certificate of Release or Discharge from Active Duty (DD Form 214), specifically blocks 18, 23, 25, 26, 27, and 29. Further, she requests reinstatement on active duty or a change to her reentry code.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 7 November 2024¹. The names and votes of the panel members will be furnished upon request. The allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of the enclosures², relevant portions of the individual's naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all of the evidence 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 regulation within the Department of the Navy.

b. A review of reference (b) and the medical documentation submitted with enclosure (1), indicates Petitioner was diagnosed with Solar Urticaria in 2016. Throughout her time on active duty, Petitioner routinely worked with allergists who rendered treatments while still allowing Petitioner to deploy with precautions. Per the medical assessment on 26 August 2021, Petitioner restarted Xolair, an injection requiring monthly dosing, and, the provider "anticipat[ing] that

¹ Petitioner submitted additional information via email on 12 November 2024. Because the Board's recommendation had not yet been approved, the additional information was added to Petitioner's case file and provided to the Board members via email for consideration.

² Enclosure (1) contains Petitioner's initial submission and the additional information submitted via email on 12 November 2024.

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

[Petitioner would] have controlled symptoms if allowed to avoid her trigger of sunshine” recommended her Fit for Full Duty (FFD) with restrictions.

c. Per the Commander’s Non-Medical Assessment (NMA) contained within reference (b), Commanding Officer (CO), [REDACTED], determined Petitioner was “unable to serve in the capacity required of her rate due to a diagnosis of Solar Urticaria.” He further stated the condition affected Petitioner’s “ability to be outdoors, including while driving or a passenger in a motor vehicle and participating in command PT.” The NMA explained there was no cure or prognosis for improvement and further, that the current treatment could not be administered if Petitioner was assigned to a deployable unit or most overseas installations. Additionally, the NMA stated Petitioner must avoid sun exposure at all times, which is not always feasible. Ultimately the CO stated Petitioner was not FFD or worldwide assignable.

d. Per the Report of Medical Board reviewed in reference (b), the prognosis for Petitioner’s medical condition was that it was not “likely to improve sufficiently for the member to perform the full duties of [her] office, grade, rank, or rating within 12 months.” Further, the report noted the severity of Petitioner’ medical condition was “unlikely to change” in the next three years.

e. A review of reference (b) indicates that, on 10 March 2022, a Physical Evaluation Board (PEB) convened to consider Petitioner’s medical board. The PEB found Petitioner unfit and recommended placement on the PDRL with a combined disability rating of 30%. On 14 March 2022, Petitioner accepted the informal PEB findings and did not request a formal PEB hearing nor did she request a Department of Veterans Affairs reconsideration of her disability rating percentages. By memorandum of 18 March 2022, President, PEB, notified the Chief of Naval Personnel (CNP) and requested CNP effect Petitioner’s permanent retirement based on the PEB’s finding she was unfit to perform the duties of her office, grade, rank, Military Occupational Specialty (MOS), or rating due to a disability.

f. On 29 May 2022, Petitioner retired with an Honorable characterization by reason of permanent disability and was assigned a RE-2 reentry code. See enclosure (2).

g. Petitioner contends her condition was managed throughout her time on active service as evidenced by her deployments, lack of life threatening events or need to use an Epi-pen, and the ability to pause the Xolair shots during deployment and resume upon return. Further, Petitioner contends her medical condition no longer prohibits service on active duty. Specifically, she contends she is eligible/able to self-administer the shots, the shots no longer require refrigeration, and she is not reliant on Xolair to manage her symptoms. Lastly, she contends the medication can be safely postponed without adverse risk to herself, as evidenced by her safe postponement while deployment. See enclosure (1).

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concluded Petitioner is entitled to partial relief. Specifically, the Board determined it was in the interests of justice to change Petitioner’s reentry code to RE-3P (eligible for reenlistment except for disqualifying factor/physical disability). The Board concluded the potential progress in the

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USN, XXX-XX-[REDACTED]

medical approach to treating Solar Urticaria and the contended changes to the medication and its administration warrant granting Petitioner an opportunity to request a waiver of her reentry code and seek a return to naval service.

Notwithstanding the Board's recommended corrective action below, the Board concluded there was no error or injustice with Petitioner's placement on the PDRL. In reviewing Petitioner's record, the Board determined the PEB finding were reasonable and based on the medical evidence. Accordingly, given the totality of the circumstances, the Board determined that Petitioner's request to return her to active duty does not merit relief.

RECOMMENDATION

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

That Petitioner be issued a Correction to DD Form 214, Certificate of Release or Discharge from Active Duty (DD Form 215), for the period ending 29 May 2022, indicating her reentry code was "RE-3P."

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.

12/3/2024

