



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

██████████
Docket No. 9092-24
Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER ██████████,
USNR, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) DD Form 149 w/enclosures (BCNR Docket No. 6066-23)
(c) NSTC M-1533.2D of 18 December 2019

Encl: (1) DD Form 149 w/enclosures
(2) ██████████ 5863 Ser N00/335 Memo, subj: Request for Recommendation and Comments ICO [Petitioner], 19 March 2024
(3) ██████████ 1533/122 (08-19), NROTC Student Disenrollment Report, 10 November 2021
(4) CO, NROTC, ██████████ 1533 Ser 00/437 Memo, subj: Assignment to Physical Readiness Warning, 30 August 2018
(5) CO, NROTC, ██████████ 1533 Ser 00/426 Memo, subj: Removal from Physical Readiness Warning, 11 January 2019
(6) CO, NROTC, ██████████ 1533 Ser 00/018 Memo, subj: Academic Probation ICO [Petitioner], 9 January 2019
(7) CO, NROTC, ██████████ 1533 Ser 00/326 Memo, subj: Removal from Academic Probation, 29 August 2019
(8) CO, NROTC, ██████████ 1533 Ser 00/048 Memo, subj: Assignment to Physical Readiness Warning, 15 January 2019
(9) CO, NROTC, ██████████ 1533 Ser 00/274 Memo, subj: Removal from Physical Readiness Warning, 25 July 2019
(10) CO, NROTC, ██████████ 1533 Ser 00/347 Memo, subj: Assignment to Physical Readiness Warning, 10 September 2019
(11) CO, NROTC, ██████████ 1533 Ser 00/470 Memo, subj: Removal from Physical Readiness Warning, 17 December 2019
(12) CO, NROTC, ██████████ 1533 Ser 00/423 Memo, subj: Academic Warning ICO [Petitioner], 23 October 2019
(13) CO, NROTC, ██████████ 1533 Ser 00/041 Memo, subj: Removal from Academic Warning, 27 January 2020
(14) CO, NROTC, ██████████ 1533 Ser 00/030 Memo, subj: Assignment to Physical Readiness Warning, 24 January 2020
(15) CO, NROTC, ██████████ 1533 Ser 00/228 Memo, subj: Removal from Physical Readiness Warning, 23 June 2020
(16) CO, NROTC, ██████████ 1533 Ser 00/127 Memo, subj: Assignment to Aptitude Probation ICO [Petitioner], 3 March 2020
(17) CO, NROTC, ██████████ 1533 Ser 00/169 Memo, subj:

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Removal from Aptitude Probation, 27 April 2020

- (18) CO, NROTC, ██████████ 1533 Ser 00/089 Memo, subj: Assignment to Physical Readiness Warning, 24 February 2021
- (19) CO, NROTC, ██████████ 1533 Ser 00/236 Memo, subj: Assignment to Physical Readiness Probation, 12 May 2021
- (20) CO, NROTC, ██████████ 1533 Ser 00/294 Memo, subj: Assignment to Physical Readiness Probation, 19 August 2021
- (21) CO, NROTC, ██████████ 1533 Ser 00/340 Memo, subj: Performance Review Board (PRB) Convening Order, 6 October 2021
- (22) Senior Member, PRB, Memo, subj: Performance Review Board (PRB) Report ICO [Petitioner], 18 October 2021
- (23) Senior Member, PRB, Memo, subj: Performance Review Board (PRB) Summary of Testimony ICO [Petitioner], 18 October 2021
- (24) CO, NROTC, ██████████ 1533 Ser 00/379 Memo, subj: Performance Review Board (PRB) PNS Recommendation, 25 October 2021
- (25) Petitioner Memo, subj: Statement Refuting PRB Decision, 27 October 2021
- (26) CO, NROTC, ██████████ 1533 Ser 00/407 Memo, subj: Commanding Officer Summary Letter/Disenrollment Recommendation ICO [Petitioner] (Navy Option), 9 November 2021
- (27) NSTC 1533/120 (03-16), NROTC Disenrollment Acknowledgement, 12 November 2021
- (28) Director of Officer Development Memo, subj: Disenrollment ICO [Petitioner] – ██████████, 7 December 2022
- (29) CNSTC 1533 Ser N00/1369 Memo, subj: Recommendation for Termination of Appointment as Midshipman, United States Navy Reserve ICO [Petitioner], 22 December 2022
- (30) BCNR Docket No. 6066-23 Decision Document, 20 August 2024
- (31) Physician Advisor, BCNR Docket No: NR20230006066 Memo, subj: Advisory Opinion ICO [Petitioner], 1 June 2024
- (32) Physician Advisor, BCNR Docket No: NR20230006066 Memo, subj: Advisory Opinion ICO [Petitioner], 16 September 2024

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), requesting¹ her disenrollment from the Navy Reserve Officer Training Corps (NROTC) at ██████████ be amended to reflect “medical disqualification” vice “physical readiness” as the disenrollment reason. Additionally, she requested relief from her debt.

2. The Board, consisting of ██████████, ██████████, and ██████████, reviewed Petitioner’s allegations of error and injustice on 3 October 2024 and, pursuant to its regulations, determined

¹ In the current case, Petitioner requested the Board reconsider its previous denial of BCNR Docket No. 6066-23 which requested “a medical waiver and that [her] current paperwork be reconsidered and corrected for [her] ROTC disenrollment at ██████████.” Additionally, she requested her debt be relieved. In its Advisory Opinion (AO) at enclosure (2), Commander, Naval Service Training Command (CNSTC) stated that “[i]n effect, this request is for the disenrollment reason from the NROTC Program be amended from “physical readiness” to “medical disqualification.”

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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 Petitioner's naval records, 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. On 16 August 2018, Petitioner enlisted in the Navy and enrolled on 20 August 2018 for participation in NROTC. See enclosure (3).

c. On 30 August 2018, Petitioner was issued a Physical Readiness Warning due to failing to meet physical readiness standards. The warning was removed on 11 January 2019. See enclosures (4) and (5).

d. On 9 January 2019, Petitioner was placed on Academic Probation due to achieving a 2.18 Grade Point Average (GPA) during the fall 2018 term. She was removed from probation on 29 August 2019. See enclosures (6) and (7).

e. On 15 January 2019, Petitioner was issued a Physical Readiness Warning due to failing to meet physical readiness standards. The warning was subsequently removed on 25 July 2019. See enclosures (8) and (9).

f. On 10 September 2019, Petitioner was issued her third Physical Readiness Warning due to failing to meet physical readiness standards. The warning was removed on 17 December 2019. See enclosures (10) and (11).

g. On 23 October 2019, Petitioner was issued an Academic Warning after receiving a 1.88 GPA and an "F" in Calculus II and General Physics. The Academic Warning was removed 27 January 2020. See enclosures (12) and (13).

h. On 24 January 2020, for the fourth time, Petitioner was issued a Physical Readiness Warning due to failing to meet physical readiness standards. This warning was removed on 23 June 2020. See enclosures (14) and (15).

i. On 3 March 2020, Petitioner was placed on Aptitude Probation due to underage consumption of alcohol. The probation was removed on 27 April 2020. See enclosures (16) and (17).

j. On 24 February 2021, Petitioner was again issued a Physical Readiness Warning due to failing to meet physical readiness standards. See enclosure (18).

k. On 12 May 2021, Petitioner was placed on Physical Readiness Probation after failing to meet the Physical Readiness Test (PRT) standards during the 6 May 2021 official PRT and again

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on the “Bad Day” PRT attempted on 11 May 2021. Specifically, she failed the run/walk portion. Additionally, Petitioner was notified that failure to pass the fall 2021 Inventory PRT would result in a Performance Review Board (PRB) and Leave of Absence (LOA). Further, she was notified that failure to pass the official fall 2021 PRT would result in PRB and disenrollment. See enclosure (19).

l. On 19 August 2021, when Petitioner failed to meet the Inventory Body Composition Assessment standards and pass the PRT run/walk portion, she was again placed on Physical Readiness Probation. Additionally, she was notified that failure of the official fall PRT would result in PRB and disenrollment. See enclosure (20).

m. On 6 October 2021, Commanding Officer (CO), NROTC, ██████████ convened a PRB to investigate and make recommendations on Petitioner’s physical fitness performance during the fall 2021 semester. See enclosure (21).

n. By memorandum of 18 October 2021, the Senior Member of the PRB reported the 15 October 2021 PRB findings and recommendation to the CO. The PRB found, by a vote of 3 to 0, that Petitioner failed to meet physical readiness standards and recommended disenrollment. In her testimony before the PRB, the Senior Member noted Petitioner did not make excuses for her failures but explained that COVID impacted her ability to train because she could not workout while sick and the NROTC unit, which was operating remotely, did not have group physical readiness training. Petitioner’s final statement to the PRB emphasized how hard she had worked, her understanding of the severity of failing the PRT, and reiterating how hard she would continue to work. See enclosures (22) and (23).

o. By memorandum of 25 October 2021, CO, NROTC, ██████████, notified Petitioner of his concurrence with the PRB’s recommendation of disenrollment with recoupment. See enclosure (24).

p. On 27 October 2021, Petitioner submitted a statement to the CO refuting the PRB’s decision. In her statement, she respectfully requested the CO reconsider his concurrence with the PRB. Petitioner noted that her “experience and aftereffects of COVID are documented” and reminded the CO of “where [she] began and where [she was] now as well as how hard it ha[d] been to shake back.” She also emphasized that if the CO looked past the “up and down patterns of [her] PRT results” he would see that she has been “trying tremendously hard and the results are showing...Unfortunately, just not in the timeframe [she] need[s] them to.” See enclosure (25).

q. By memorandum of 9 November 2021, CO, NROTC, ██████████, submitted his summary letter and disenrollment recommendation to Director, NROTC, Operations. In the Professor of Naval Science recommendation paragraph, the CO stated Petitioner was being disenrolled for failing to meet physical readiness standards after failing two consecutive official PRTs. He recommended disenrollment from the program with recoupment of funds. See enclosure (26).

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r. On 12 November 2021, by her signature on NSTC 1533/120 NROTC (Disenrollment Acknowledgement), Petitioner acknowledged she was indebted to the U.S. Government in the amount of \$62,413.00. When provided an opportunity to request a waiver of financial reimbursement and/or involuntary Active Enlisted Service (AES) or, if directed onto involuntary AES, deferment to complete her education, Petitioner did not make an election. See enclosure (27).

s. By memorandum of 7 December 2022, Director of Officer Development notified CNSTC of his concurrence with the PNS's recommendation for disenrollment and reiterated the recommendation for monetary recoupment of scholarship benefits. See enclosure (28).

t. By memorandum of 22 December 2022, CNSTC recommended the Secretary of the Navy terminate Petitioner's appointment as a Midshipman in the U.S. Navy Reserve. Additionally, CNSTC recommend recoupment of scholarship funds in the amount of \$62,143.00 in lieu of AES. See enclosure (29).

u. By her signature on 1 February 2023, Deputy Assistant Secretary of the Navy for Military Manpower and Personnel (DASN (MMP)) approved CNSTC's recommendation to terminate Petitioner's appointment as a Midshipman and recoup the scholarship funds in lieu of AES. See enclosure (29).

v. On 12 July 2023, Petitioner submitted reference (b) requesting a medical waiver and debt relief. She contended she had a pre-existing and unknown medical condition that has since been proven by doctors to be the reason behind her inability to physically perform at her full potential. Additionally, she informed the Board that doctors had informed her that she "could have had [plastic bronchitis, a rare lung disease], as well as the tumor that initially grew with it, for several years prior to visible symptoms." In its decision document at enclosure (30), the Board notified Petitioner of its determination there was insufficient evidence of an error or injustice warranting her requested relief. Specifically, the Board substantially concurred with the NSTC AO and determined the process followed was in accordance with NSTC established guidelines provided in reference (c). Further, the Board substantially concurred with the medical AO at enclosure (31) and determined there was insufficient evidence that Petitioner's inability to meet required physical readiness standards was due to a pre-existing and unknown medical condition. See enclosures (2), (30), and (31).

w. In her submission at enclosure (1), Petitioner contends the previous Board that considered BCNR Docket No. 6066-23 did not have all the available evidence because it lacked the medical statements she had acquired in response to the medical AO² provided to her for rebuttal. She specifically contends the following:

² A Medical AO dated 1 June 2024 was provided to the previous Board for consideration. The AO stated the available evidence provided insufficient support for Petitioner's contention that her inability to meet required physical readiness standards was due to a pre-existing and unknown medical condition. Further, the AO stated that though Petitioner had presented evidence of a diagnosis of Plastic Bronchitis, the available clinical records document onset of symptoms beginning January 2022 whereas the record reflects her difficulties meeting physical readiness requirements dated back to August of 2018 and there is no medical evidence that she sought medical attention for signs/symptoms indicative of Plastic Bronchitis during her enrollment in the NROTC Program. The AO opined that additional information, such as treatment records establishing a temporal link between Petitioner's

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(1) At the time of her disenrollment, the diagnosis of Plastic Bronchitis was unknown and undiagnosed. This rare and serious condition, now confirmed by her pulmonologists, significantly impacted her ability to pass the PRT. The condition was only identified after extensive medical evaluation, including imaging, bronchoscopies, and biopsies. With the medical statements now provided, it is clear her failures were due to an underlying medical issue beyond her control. Plastic Bronchitis is a rare disease with minimal research, making it strongly possible that she had been unknowingly battling it for years.

(2) Petitioner respectfully urges the Board to recognize that her failures to pass the PRT were not due to a lack of effort or commitment but were the result of an undiagnosed, serious medical condition that severely impaired her physical capabilities. She contends she has always strived to meet the Navy's physical readiness standards but her condition, which was not discovered until after disenrollment, made this impossible. Further, Petitioner states she exerted herself to the utmost, risking her health and life, to try and fulfill the requirements of the program.

(3) The previous Board stated there were no known medical basis and that she did not report any health issues relative to her previous PRT failures. Petitioner contends that without a diagnosis, she could not have reported something both the program as well as herself, was unaware of and did not screen for. Petitioner believes and contends her condition -- which includes extreme shortness of breath, a debilitating cough, the coughing up of internal debris -- eventually led to partial lung collapse and pneumonia and was the reason behind her repeated PRT failures. She further contends her condition was particularly severe during her final months in the program when she was attempting to pass the PRT with a partially collapsed lung and possibly pneumonia, as indicated by her first CT scan in late August 2022.

(4) The impact of COVID may very well have made her symptoms worse, further hindering her ability to pass the PRT after return to campus.

See enclosure (1).

x. By memorandum of 16 January 2024 the BCNR Physician Advisor provided the AO at enclosure (32) revising his original AO after thorough review of enclosure (1) which included, as supporting evidence, statements from her pulmonologists. The AO stated the preponderance of the evidence contained in reference (b) combined with the new and material clinical evidence provided in enclosure (1), provides sufficient support for Petitioner's contention she suffered from a significant medical condition at the time of her NROTC Program enrollment that compromised her ability to fulfill her physical fitness requirements.

CONCLUSION

Upon careful review and consideration of all of the evidence of record, the Board concluded Petitioner's request warrants relief.

physical readiness failures and later diagnosed conditions "may prove significant in possibly rendering an alternate opinion." See enclosure (31)

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The Board, relying on the medical AO at enclosure (32), determined the evidence contained in the original application combined with the new and material clinical evidence submitted with enclosure (1), provides sufficient support to overcome the presumption of regularity attached to the previous Board's decision in Docket No. 6066-23 and the DASN (MMP) decision to terminate Petitioner's appointment as a Midshipman in the United States Navy Reserve and disenroll her from the NROTC Unit, ██████████, for physical readiness reasons. Based on the new medical evidence, the Board substantially concurred with the revised medical AO that, at the time of her disenrollment, Petitioner suffered from Plastic Bronchitis and this rare and serious condition significantly impacted her ability to pass the PRT, resulting in her disenrollment due to physical readiness. The Board found no error in the disenrollment process nor injustice based on the information available to the PRB and decision makers at the time. However, based on the medical documentation and relying on the revised medical AO, the Board determined it was in the interests of justice to determine her underlying medical issue was beyond her control and her request to, in essence, change her disenrollment reason from "physical readiness" to "medical disqualification" warranted relief. Further, the Board acknowledges the change to "medical disqualification" may result in the debt removal.

RECOMMENDATION

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

Petitioner's reason for disenrollment from the NROTC Unit be changed from "physical readiness" to "medical disqualification" resulting in the debt removal.

The Defense Finance and Accounting Service will audit the Petitioner's pay account to determine amounts due, if any.

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.
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.

11/5/2024

