



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5542-97

9 April 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 1999. 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, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 28 July 1989, prior to enlistment in the Navy, you were diagnosed with stromel scar of herpetic keratitis with decreased vision and compound myopic astipivetism. At this time you were given eyeglasses for treatment. The medical examiner noted that the prognosis of your condition was inactive at the present time and probably would not recur. Accordingly, it appears that a waiver was granted for the foregoing condition to allow your enlistment.

The Board found you enlisted in the Navy on 31 May 1990 at the age of 18 and served without disciplinary incident. Your record reflects that during the period from 6 to 14 June 1990 you were hospitalized on several occasions due to multiple episodes of the diagnosed herpes simplex keratitis. The medical report noted, in part, that you had six or more recurrences since your last examination in July 1989, but did not see a doctor during the recurrences. The report further noted that you had received a waiver for enlistment in July 1989 but also had five or more recurrent episodes since that time. At this time you were recommended for further evaluation by a medical board. On 14

June 1990 a medical board diagnosed you with recurrent herpes simplex keratitis of the right eye. The board noted that a waiver was not recommended at this time due to the severity of the problem, the repeated medical visits, and the lack of any improvement in your condition. At this time you were recommended for separation.

Subsequently, you were notified of pending separation action by reason of physical disability due to ophthalmology/optometry pre-service condition. You waived your rights to consult with legal counsel and to submit a statement in rebuttal to the separation. On 27 June 1990 the discharge authority directed you be issued an entry level separation by reason of physical disability due to pre-service ophthalmology/optometry condition. On 3 July 1990 you were so separated and assigned an RE-3P reenlistment code.

An RE-3P is the most favorable reenlistment code authorized by regulatory guidance when an individual is separated with a physical disability. The RE-3P reenlistment code may not prohibit reenlistment, but requires that a waiver be obtained. Recruiting personnel are responsible for determining whether you meet the standards for reenlistment, and whether or not a request for a waiver of your reenlistment is feasible.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contentions that you would like to your discharge set aside and reinstatement in the Navy with compensation for six years of continuous service. The Board further considered your contention that the discharge was unjust because you had a medical waiver for your eye problem. The Board also considered the medical documentation. However, the Board concluded these factors were not sufficient to warrant reinstatement in the Navy. The Board also noted you were assigned an RE-3P reenlistment code. Such a code is normally assigned when an individual is separated due to a physical disability and is otherwise recommended for reenlistment. The Board also concluded that separation was appropriate despite the pre-enlistment waiver given the recurrence of the condition and the lack of improvement. Given all the circumstances of your case, the Board concluded that since you were discharged by reason of physical disability and assigned an RE-3P reenlistment code the discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material

evidence or other matter not previously 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,

W. DEAN PFEIFFER
Executive Director