



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 07502-97
25 March 1999

PN2 [REDACTED] S USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 25 March 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. In addition, the Board considered the advisory opinions furnished by the Bureau of Naval Personnel dated 23 January and 25 February 1998, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion dated 25 February 1998. In view of the above, 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

Enclosures



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
1610
Pers-32
23 JAN 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: PN2 [REDACTED], USN, [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests change of her performance evaluation report for the period of 1 April 1995 to 15 March 1996 or removal of the report.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report is signed by the member indicating she did not desire to submit a statement of rebuttal. In accordance with reference (a), Annex S, paragraph S-8, the member may still submit a statement if desired.

b. Review of the report marks, comments and recommendations revealed the entries in blocks 20, 36 45 and 47 to be related and based on the member's physical readiness status. We cannot determine the appropriate entry for block 20 or the accuracy of the entry in block 20.

3. In view of the above, we recommend enclosure (1) be forwarded to the Head, Health and Physical Fitness Branch (Pers-601) for comment on the accuracy of the block 20 entry and the member's physical readiness status.

[REDACTED SIGNATURE]

Director, Military Personnel
Evaluation & Correspondence
Division



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO
6100
Ser 60/0195
25 Feb 98

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (Pers-OOXCB)

Subj: COMMENTS AND RECOMMENDATIONS ICO PN2 [REDACTED], USN,
[REDACTED]

Ref: (a) BCNR File 07502-97 w/microfiche service record
(b) CNO WASHINGTON DC 251927Z Aug 94 (NAVADMIN 148/94)
(c) CNO WASHINGTON DC 291936Z Apr 93 (NAVADMIN 071/93)

1. Reference (a) has been carefully reviewed. Correction of the member's record is not justified. The following information is provided:

a. PN2 [REDACTED] requests change to blocks 20, 36, 45, and 47 of her Enlisted Performance Evaluation for the period ending 96MAR15. These blocks deal with the member's physical readiness test (PRT)/body fat standards. The grades she received for these categories are adverse, making her ineligible for advancement and retention. Block 20 (Physical Readiness) reads "F/NS" indicating that she exceeded body fat standards at the time of the evaluation and failed her PRT due to non-participation. PN2 [REDACTED] claims she had a medical waiver from body fat measurements due to medication she was taking which caused weight gain.

b. Upon review of documents from her medical record (obtained from PN2 [REDACTED], PN [REDACTED] was placed on Doxepin for dysthymia on or about November 1994. At that time, PN [REDACTED] weighed 150 pounds. As a 62 inch female, the maximum weight for this height is 134 pounds (reference (b)). [REDACTED] returned to the medical department on 9 February 1995 with minimal relief of her dysthymia. A 40-pound weight gain was also noted. The physician reduced her medication dose. On 10 March 1995, the medication was discontinued, and her physician wrote "Dysthymia improved. Compulsive overeating." On 18 March 1995, PN [REDACTED] returned to the medical department to receive a waiver from official body fat measurements. The physician wrote "Waiver given for current PRT cycle" (April 1995).

c. The evaluation in question was for the period ending 96MAR15 which would require results from the Fall 1995 PRT cycle. A Page 13 dated 3 October 1995 stated that [REDACTED] was measured at 43 percent body fat on 18 September 1995. This exceeds the Navy's maximum body fat standards (30 percent for females) by 13 percent.

Subj: COMMENTS AND RECOMMENDATIONS ICO PN2 [REDACTED] USN,
[REDACTED]

PN2 [REDACTED] claims she should not be held accountable for exceeding body fat standards as she was not able to get a medical appointment prior to Fall PRT cycle due to oversight by her command. The specific medical appointment was sought to obtain another medical waiver from body fat measurements, not from PRT participation.

e. Medical waivers from body fat measurements are normally only granted for pregnancy (reference (c)). Medical waivers for conditions other than pregnancy are rare and may be granted locally by the Medical Officer at the discretion of the Commanding Officer. Medical waivers for body fat are limited to medical conditions which directly increase body fat, weight, or circumference measurements.

f. Doxepin is an antidepressant which may cause weight gain. Dysthymia is a depressive disorder, and overeating and low energy level are common during a depressed state. A 40-pound weight gain during a 3-month period appears excessive and is most likely not solely due to the medication. A one-time waiver for the Spring 1995 PRT cycle appeared appropriate in this case; however, a second medical waiver for the Fall PRT cycle does not appear warranted. The medication in question was discontinued in March 1995, nearly 7 months prior to the Fall PRT. Additionally, PN2 [REDACTED] was assessed by the same physician as having "compulsive overeating" which indicates her overweight condition is due to dietary indiscretion rather than the effects of medication. Failure to obtain a medical appointment for body fat screening would not have changed the outcome, as a medical waiver from body fat measurements was not appropriate for the Fall 1995 PRT cycle.

g. Per reference (c), members are given 10-12 weeks notification of the semi-annual PRT. Members are required to complete the risk factor screening 10-12 weeks prior to the PRT to allow them time to see the appropriate medical specialist. Her OPNAV 6110/2 (Risk Factor Screening/Physical Readiness Test Results) indicates [REDACTED] answered "yes" to two questions which required that she be medically cleared by any Authorized Medical Department Representative. Furthermore, a number of medical treatment facilities (MTF) are available in the Washington, DC area. It is true that Bolling Air Force Base is closest to Anacostia; however, shuttle services are readily available to other MTFs.

h. PN2 [REDACTED] claims a grade of 1.0 in block 36 (Military Bearing/Character) is excessively punitive and that she should

Subj: COMMENTS AND RECOMMENDATIONS ICO [REDACTED] USN,
[REDACTED]

have received a 2.0 (Progressing) at the very least. Grading for military bearing/character is often subjective and usually left up to the reporting senior. General guidelines for grading military bearing with respect to physical readiness state that a member should be denied recommendation for promotion/advancement if they have 2 consecutive failures and remain out of standards at the time of evaluation (reference (c)). At the time of the evaluation in question, PN2 [REDACTED] was grossly out of standards at 43 percent body fat. A grade of 1.0 (Below Standards) appears justified in the military bearing category.

i. Specific questions regarding promotion/advancement recommendation for members who receive a 1.0 (Below Standards) in Performance Traits (blocks 33-39) should be addressed to the Performance Evaluation Section (Pers-312C).

2. My point of contact is [REDACTED] Pers-601C, at [REDACTED]
[REDACTED]

Director, Navy Drug and Alcohol,
Fitness, Education and
Partnerships Division (Pers-60)