



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7984-98

7 May 1999

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Naval Reserve, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected by removing all references to the period of unauthorized absence (UA) from 6 to 9 March 1998.

2. The Board, consisting of Messrs. Dunn, Mathews, and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 4 May 1999 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Naval Reserve on 31 October 1997 and began a period of active duty on 31 January 1998. During this period, Petitioner has not been the subject of any disciplinary actions.

d. On 6 March 1998, after undergoing a medical examination for gastroenteritis, Petitioner was placed sick-in-quarters (SIQ) for 24 hours. At this time he also received instructions to report back to a naval hospital on 7 March 1998 for a follow-up examination. On 7 March 1998, after completion of Petitioner's

follow-up examination, he was placed on a diet and told to get plenty of rest. At this time he was also told that he could report back to his command on 9 March 1998 after another follow-up examination.

e. On 16 March 1998 a record of unauthorized absence (page 6) entry was placed in Petitioner's record which noted that he had been UA from 6 to 9 March 1998.

f. A memorandum from Petitioner's leading petty officer of 29 October 1998 recommends that Petitioner's record be corrected because he was not UA from 6 to 9 March 1998. The memorandum states, as follows:

Member was discovered in his rack sick from dehydration from 0700 to 1100 when he was discovered by myself and was sent to medical at 1100 for treatment. I was more concerned with his health at the time and that was the reason for the entry in his record. Please remove this from his record.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board concludes that since Petitioner was actually SIQ and not UA, his record should be corrected to reflect the same. Accordingly, the Board concludes that the entry should be removed from his record.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the page 6 entry of 16 March 1998.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

In view of the foregoing, the minority finds no injustice warranting corrective action.

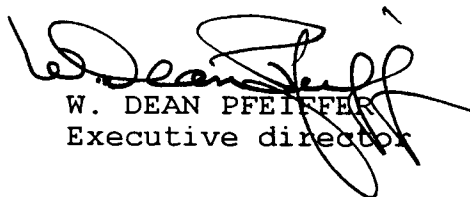
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

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 (2 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.



W. DEAN PFEIFFER
Executive director