



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 8619-01
14 January 2002

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

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149 w/attachments
(2) LT K. Wever ltr 20/4866, 3 Jan 02
(3) Partial naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was not released from active duty on 27 October 2001, and that she be accorded necessary medical evaluation and treatment for abnormalities noted in a pathology report dated 5 November 2001.

2. The Board, consisting of Ms. Moidel, Dr. Schultz and Mr. Bishop, reviewed Petitioner's allegations of error and injustice on 10 January 2002 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 underwent a pre-release from active duty physical examination on or about 13 October 2001, and was found physically qualified for release from active duty. Item 41 of the Report of Examination, Pelvic, is marked "NE", for "not evaluated". She was released from active duty on 27 October 2001. A pathology report dated 5 November 2001 indicates that the results of a Pap smear taken on 10 October 2001 showed a high grade intra-epithelial lesion.

d. In correspondence attached as enclosure (2), the Board was advised by a Navy staff obstetrician/gynecologist, in effect, that a high grade lesion of the cervix, based on proven biopsy and not the screening Pap smear, can progress to cancer approximately 15% of the time. Once a lesion is determined to be carcinoma in situ, which is one step beyond a high grade lesion, it generally takes 10-15 years to progress to invasive cervical cancer. In her opinion, Petitioner certainly needs gynecologic follow-up, to include colposcopy and colposcopically directed cervical biopsies. In addition, she may need further treatment and colposcopic follow-up for an extended period of time. The author of the enclosure did not believe that Petitioner should be "denied discharge" from the Navy based on her Pap smear results. In her opinion, it would be reasonable that Petitioner be followed in the VA system, which would not compromise her outcome or prognosis; however, it may be prudent to simply allow her initial gynecologic evaluation, to include colposcopy and perhaps treatment, within the Navy system, followed by referral to the VA system for treatment and continued close follow-up. If this could be done without "denying her discharge from the military service [this] would be ideal."

CONCLUSION:

Upon review and consideration of all the evidence of record and notwithstanding the comments contained in enclosure (2), the Board concludes that had the results of Petitioner's Pap smear been available prior to her release from active duty, her enlistment would have been extended, with her consent, for follow-up of the abnormal results. It noted that as the results of a cervical biopsy are more accurate than those obtained from evaluation of a Pap smear, which is a screening test, it would be in the interest of justice to set-aside her release from active duty, and accord her definitive medical evaluation and treatment within the Navy medical system.

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 to show that she was not released from active duty on 27 October 2001, and that she was retained on active duty, with her consent, for medical follow-up and possible treatment of the abnormalities noted on the cervical pathology report dated 5 November 2001.

b. 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.

ROBERT D. ZSALMAN
Recorder



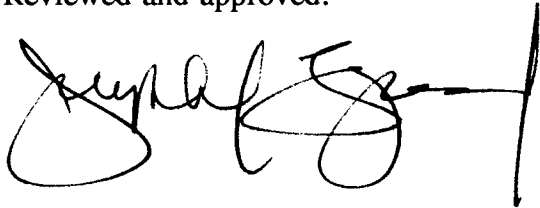
JAMES R. EXNICIOS
Acting Recorder

5. The foregoing report of the Board is submitted for your review and action.



W. DEAN PFEIFFER
Executive Director

Reviewed and approved:



JOSEPH G. LYNCH
Assistant General Counsel
(Manpower And Reserve Affairs)

APR 24 2002