



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

JRE
Docket No: 4802-03
28 October 2003

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

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

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

Encl: (1) DD Form 149
(2) Subject's 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 his naval record be corrected to show that he was assigned a more favorable reentry code than RE-4, and that he was discharged for a reason other than a condition, not a disability.

2. The Board, consisting of Messrs. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 23 October 2003 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 Navy on 2 June 1999. Shortly after entering on active duty, he complained of multiple episodes of syncope (fainting) preceded by lightheadedness, nausea, and diaphoresis. He disclosed that he had had similar episodes on three or four occasions prior to enlisting. He was diagnosed as suffering from symptomatic bradycardia with syncope. He was discharged, with his consent, for a condition, not a disability, interfering with his performance of duty. He was assigned a reentry code of RE-4.

d. Petitioner contends, in effect, that the symptoms which led to his discharge from the Navy were caused by a reaction to a dietary supplement containing ephedrine. He maintains

that he did not have any prior, similar episodes, and not subsequent episodes. He submits a copy of an electrocardiogram that indicates that he continues to experience bradycardia.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board was not persuaded that Petitioner's discharge was erroneous. As noted above, the fainting spells he experienced while in the Navy were related to his bradycardia, and were similar to episodes that occurred on several occasions prior to his enlistment. Given the nature and frequency of the episodes he experienced in 1999, it would not have been in Petitioner's best interest, or the best interest of the Navy, to retain him on active duty. It rejected his unsubstantiated contention to the effect that the episodes were caused by his consumption of a dietary supplement.

The Board concludes further that as Petitioner did not commit any acts of misconduct during his brief period of service, and as he apparently performed his duties to the best of his ability, apart from the effects of his fainting spells, a reentry code of RE-4 is unduly stigmatizing. Accordingly, it Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that he was assigned a reenlistment code of RE-3G in conjunction with his discharge from the Navy on 23 November 1999.
 - b. That so much of Petitioner's request for correction of his naval record as exceeds the foregoing be denied.
 - c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) 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. 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 Regulations, 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