



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

JRE
Docket No. 1797-07
15 February 2008

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

Subj: FORMER [REDACTED] 157.
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 written application, enclosure (1), with this Board requesting, in effect, that the applicable naval record be corrected to show that she was discharged by reason of physical disability, vice misconduct. She contends, in effect, that she was discharged for medical reasons.

2. The Board, consisting of Mses [REDACTED] and [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 25 January 2008, 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 which were 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 23 May 2005. On 24 January 2006, she was given a diagnosis of a personality disorder, not otherwise specified, with borderline and immature

features. She underwent a pre-separation physical assessment on 27 February 2006, and was considered physically qualified for separation. She was discharged under honorable conditions on 3 March 2006, by reason of misconduct/commission of a serious offense, for underage possession and consumption of alcoholic beverages.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner has failed to demonstrate that she was unfit for service by reason of physical disability at the time of her separation by reason of misconduct.

Accordingly, there is no basis for correcting her record to show that she was separated of retired by reason of misconduct. The Board concludes further, however, that it was unjust to separate Petitioner by reason of misconduct/commission of a serious offense based on one instance of underage drinking.

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

RECOMMENDATION:


a. That Petitioner's naval record be corrected to show that on 3 March 2006, she was discharged by reason of Secretarial plenary authority, vice misconduct, with a reentry code of RE-4.

b. That no further relief be granted.

c. That a copy of this Report of Proceedings be made a part of Petitioner's naval record.

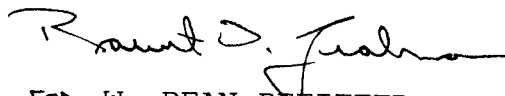
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. 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.



For W. DEAN PFEIFFER
Executive Director

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