



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

JRE
Docket No. 05645-10
19 April 2011

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
(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 her naval record be corrected to show that she was not discharged by reason of physical disability that existed prior to her enlistment. She contends that she was found fit for enlistment.

2. The Board, consisting of Messrs. Grover, Lacroix and Midboe, reviewed Petitioner's allegations of error and injustice on 24 March 2011 and, pursuant to its regulations, determined that the partial 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. Although the application was not timely filed, the Board finds it to be in the interest of justice to waive the statute of limitations and consider the application on the merits.

c. Petitioner enlisted in the Marine Corps on 26 January 1977. On 15 March 1978 a medical board gave her a diagnosis of "Hysterical Personality #3015", and recommended that she be discharged by reason of unsuitability for service. She was discharged under honorable conditions on 14 April 1978. Item 9c of her DD Form 214, Authority and Reason contains separation code "JFN1", which corresponds to physical disability that existed prior to enlistment, rather than unsuitability.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner should have been discharged by reason of unsuitability vice physical disability which existed prior to her enlistment; however, she has failed to demonstrate that she was unfit for duty by reason of physical disability that was incurred in or aggravated by her naval service.

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

RECOMMENDATION:

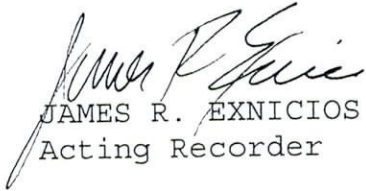
a. That Petitioner's naval record be corrected to show that on 14 April 1978, she was discharged by reason of unsuitability for service in accordance with the approved findings and recommendation of a medical board.

b. That no further relief be granted.

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