



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

TRG
Docket No: 179-00
22 March 2001

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) DD Form 149 w/attachments
(2) NPC ltr 1920 Ser 834D/1079 OF 15 Nov 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former commissioned officer in the United States Naval Reserve filed enclosure (1) with this Board requesting that her record be corrected to show that she was discharged due to failure to achieve medical licensure.

2. The Board, consisting of Mr. Shy, Mr. Pfeiffer and Mr. Silberman, reviewed Petitioner's allegations of error and injustice on 20 March 2001 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. Petitioner's application was filed in a timely manner.

c. Petitioner's record shows that on 8 October 1998 the Commanding Officer, Naval Hospital, Charleston, SC requested that she be administratively discharged because she had twice failed Part III of the Comprehensive Osteopathic Licensing Examination. She subsequently submitted an unqualified resignation request for an honorable discharge. On 9 September 1999 the Assistant Secretary of the Navy (M&RA) approved the recommendation of the Chief of Naval Personnel and directed an honorable discharge by reason of substandard performance with a Separation Program Designator (SPD) code of "BHK". She was so discharged on 16

October 1999.

d. Petitioner states that she is aware that the only reason for discharge and SPD code in the regulations which fits the circumstances of her case are substandard performance and BHK. She contends the reason for discharge is ambiguous and could be interpreted incorrectly. She requests that the narrative reason for separation be changed to "substandard performance due to lack of medical licensure".

e. At enclosure (2) is an advisory opinion from the Navy Personnel Command (NPC) which recommends as follows:

.. The action requested by Petitioner is not specially prohibited by (BUPERSINST 1900.8) and seems a reasonable way to correctly document her reason for separation without causing her undue personal difficulties. For this reason, Pers-834 recommends granting her request. Further, recommend that her requested comment be revised to read "Block 28 continued: substandard performance due solely to failure to obtain medical licensure."

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. As indicated, the only reason for Petitioner's discharge by reason of substandard performance was her failure to achieve licensure. Therefore, the Board agrees with the recommendation made by NPC and concludes that the recommended language of "Block 28 continued: substandard performance due solely to failure to obtain medical licensure" be added to her DD Form 214.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the basis for the new wording on her DD Form 214 which is directed as an exception to policy.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by adding to her DD Form 214 the phrase "Block 28 continued: substandard performance due solely to failure to obtain medical licensure."

b. That this Report of Proceedings be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's

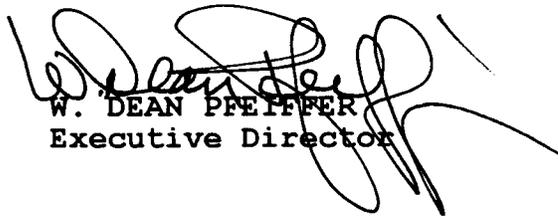
review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



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 (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