



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

JRE  
Docket No: 2585-98  
30 August 1999



Dear \_\_\_\_\_

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Director, Naval Council of Personnel Boards dated 14 May 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



Subj: COMMENTS AND RECOMMENDATION IN THE CASE OF FORMER  
[REDACTED]

with his younger brother. He wasn't acting himself and seemed limp in muscle function...took him to the hospital...neurologist...told...the actions...were the result of a temper tantrum. No epileptic activity was seen after testing..."

**b. Active Duty Incidents**

(1) Petitioner's first noted syncopal/seizure episode occurred within one month of active duty (March 1995). His medical record provides the following: "'passing out' while marching to chow...lying on ground...momentary disorientation with each episode...Happened 10-15 times during that same marching period..."

(2) Petitioner's 8 August 1996 MEB states "The routine EEG was normal, the sleep-deprived EEG was abnormal, which demonstrated spike and spike and wave activity noted with hyperventilation...there was also noted generalized spike and wave discharges throughout the tracing. This was suggestive of an epileptic deform disorder."

(3) An Internal Medicine Consult dated 9 June 1996 reports "Third episode...June 96...pt felt feverish, then passed out, awake...and was aphasic x 15 minutes and was crying uncontrollable...recalls an episode at ca. Age 5 when he felt feverish and became aphasic for 10 minutes...had EEG..."

(4) CDR V. A. Maquera's Neurology Consultation of 9 July 1996 states "has had a childhood history of spells, tried on medication for a while had EEGs - tests have been all normal."

(5) The Psychiatry Liaison Consultation from Tripler Army Medical Center (TAMC), Hawaii, dated 12 September 1996 reports "twenty year old...air evacuated from Japan to TAMC (Neurosurgery) for the evaluation of a possible MCA aneurysm...has a high level of anxiety in his life and reports a history of depression during his adolescence (untreated)..."

4. It is our opinion that the behavior, which led to Petitioner's medical discharge from the Navy evolved out of an illness which took origin prior to enlistment and was not

