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

JRE
Docket No: 2523-00
26 January 2001

[redacted]

Dear [redacted]

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 25 January 2001. 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.

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.

The Board found that you underwent a pre-enlistment physical examination on 9 July 1999, and denied having a history of frequent indigestion, stomach, liver or intestinal problems, and you did not disclose any treatment for a digestive disorder. You entered on active duty on 9 November 1999. Shortly thereafter, you disclosed a long history of vomiting after meals. Your condition was diagnosed a gastroesophageal reflux disease, which existed prior to your enlistment, and was not aggravated by your brief period of service. The condition was considered disqualifying for enlistment, but correctable. You declined to undergo corrective surgery, and were therefore processed for discharge. You were discharged from the Navy on 9 February 2000, with an uncharacterized, entry level separation.

In the absence of evidence which demonstrates that you were unfit for duty because of a condition which was incurred in or aggravated by your naval service, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. As there is no indication in your record that you were charged with any time lost during your enlistment, there is no corrective action the Board can take in that regard. In

view of the foregoing, 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