



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

JRE  
Docket No: 432-99  
22 March 1999



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 18 March 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.

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 on 19 October 1988, a medical board gave you a diagnosis of heat stroke, and referred your case to the Central Physical Evaluation Board (CPEB). On 28 November 1988, the President, CPEB, forwarded the medical board report to the Commander, Naval Medical Command, for review. On 2 December 1988, the Commander, Naval Medical Command, notified the Commandant of the Marine Corps, in effect, that your history of heat stroke was not a physical disability, and that if that condition continued to interfere with your performance of duty, administrative discharge should be considered. You were discharged administratively on 16 February 1989, for the convenience of the government, by reason of a condition, not a disability, interfering with your performance of duty.

The Board noted that at the time of your discharge, heat stroke and other disturbances of heat regulation were specifically excluded from the definition of physical disability employed by the naval service. Accordingly, and in the absence of any evidence which demonstrates that you suffered from an unfitting condition at that time, it was unable to recommend any

corrective action in your case, and 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