



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

JLP:ddj  
Docket No: 6273-98  
9 February 1999

[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 9 February 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 CNO memorandum 5420 SER N133D/98412 of 30 December 1998, 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



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5420

Ser N133D/98412

DEC 30 1998

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj:

DOCKET NUMBER - [REDACTED]

Ref: (a) NAVMED P-117, Chapter 15  
(b) NAVPERS 15909F  
(c) SECNAVINST 7220.80D

1. Forwarded, recommending disapproval.
2. In February 1997 [REDACTED] was diagnosed with a corneal ulceration, leading to the alteration of the USS Henry M. Jackson's arrival into Pearl Harbor. He was subsequently evaluated by competent medical authority as not meeting the physical standards for duty aboard submarines as prescribed in reference (a), in part, due to the fact that this was the fifth episode in 10 years of a corneal condition he had experienced. Based on a higher than average risk for corneal ulcerations and a high potential for required medical evacuation from the ship he was recommended for disqualification for duty in submarines.
3. On 28 April 1997, he was disqualified for duty in submarines. On 12 May 1998 he was granted a waiver of the physical standards for submarine duty following a diagnosis of peripheral corneal infiltrates. His request for reinstatement to submarine duty, required by reference (b) article 5.107, was approved for reinstatement effective 18 August 1998.
4. Reference (c) paragraph 6 clearly states, "SUBPAY and TOSS credit shall not be authorized for any period during which an individual is medically disqualified for submarine duty regardless of subsequent reinstatement."

[REDACTED]  
Enlisted Submarine Pay  
Program Manager