



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

JRE

Docket No: 949-01

26 November 2001

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 16 November 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 noted that you were given a diagnosis of early gout on 2 April 1999, and that treatment was initiated at that time. The diagnosis was confirmed on 14 October 2000. You indicated that you had one or two episodes of gout per year, and that the pain would build-up from mild to the "max level" within 24 hours of the start of an episode. You also indicated that you were pain-free between attacks. The available records do not show that you requested a specialty consultation at that time, or that you were improperly denied such a consultation. The Board rejected your contention to the effect that you were "unable" to present evidence of your chronic gout condition to the Physical Evaluation Board because you had not been evaluated or treated by a rheumatology specialist. In addition, the Board was not persuaded that the gout condition rendered you unfit to perform the duties of your office, grade, rank or rating by reason of physical disability. In this regard, it noted that it is clear from a review of your naval and Department of Veterans Affairs (VA) records that your condition was not severe, and that it was easily controlled with a standard medication protocol. 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