



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

JRE
Docket No: 2316-01
30 October 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 17 October 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 served on active duty in the Navy from 29 October 1954 to 30 July 1958. Although you lost the vision in one eye during that period, you were considered physically qualified for release from active duty. Shortly thereafter, you submitted an application for correction of your record to show that you were not physically qualified when released from active duty. On 6 August 1959, the Physical Review Council reviewed your records, and determined that you were fit for duty as of 30 July 1958. On 10 August 1959, you requested that the Board authorize your reenlistment. On 25 August 1959, you were advised that your request for correction of your record to show that you were unfit for duty was denied, and you were advised that it was not within the purview of the Board to authorize your reenlistment. You were advised to present that request to the Chief of Naval Personnel. On 9 December 1959, you were advised by a recruiting official that as you had been separated under a program to release individuals of lower professional competence and adaptability, you were not considered eligible for reenlistment in any classification. You renewed your request for reenlistment in 1967, but as you had been discharged from the Navy, you were required to meet procurement, rather than retention, physical standards.

Under those standards, the blindness in your right eye was considered disqualifying; however a binocular vision is not a requirement for many occupational fields, the physician who performed your pre-enlistment examination recommended that you be granted a waiver of physical disqualification. Unfortunately, that request was denied, any you were disqualified from reenlistment.

The fact that you have received a substantial disability rating from the Department of Veterans Affairs is not probative of error or injustice in your record, because that agency awards disability ratings without regard to the issue of fitness for military duty. As have not demonstrated that you were unfit for duty on 30 July 1959, the Board was unable to recommend any corrective action in your case. 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