



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

JRE
Docket No: 8377-02
17 December 2002



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 12 December 2002. 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 enlisted in the Marine Corps on 16 March 1971. During your first week of training, you complained of right ear pain, and revealed a history of chronic right ear disease, with recurrent infections since the age of eight. Physical examination disclosed pathology in each of your ears. You were given a diagnosis of chronic right middle ear disease, which existed prior to your enlistment, and was not aggravated by your service, and recommended for discharge without entitlement to disability benefits administered by the Department of the Navy. You were advised of those findings and recommendations on 14 April 1971, and declined to submit a statement in rebuttal. You were discharged on 21 April 1971 pursuant to the approved findings of the Board of Medical Survey.

The Board was not persuaded that your pre-existing ear condition was incurred in or aggravated by your brief period of naval service. 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