



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

JRE
Docket No. 03868-06
25 July 2007



Dear [REDACTED]

This is in reference to your application for correction of your naval late husband's in such a manner that you will be entitled to reimbursement from the Department of the Navy for certain medical expenses he incurred prior to his death. Your request was made pursuant to the provisions of title 10 of the United States Code, section 1552.

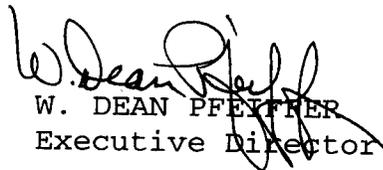
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2007. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, pertinent naval records 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. In this regard, the Board found that while hospitalized at a Department of Veterans Affairs (VA) facility, your husband requested to be transferred to a private facility to undergo a surgical procedure. He requested that transfer even though he had been advised by VA officials that the VA would not be responsible for paying for any of his care at the private facility. As a result of that choice, he incurred certain unreimbursed medical expenses.

The Board rejected your unsubstantiated contention to the effect that the Department of the Navy is liable for the unreimbursed expenses. In addition, it was not persuaded that it would be in the interest of justice for the Board 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