



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

JRE  
Docket No. 01826-08  
2 March 2009



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 26 February 2009. 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. In this regard, the Board was not persuaded that you were unfit for duty by reason of physical disability due to a hearing loss or decreased visual acuity at the time of your voluntary discharge from the Navy. As you know, a medical board found you fit for duty on 23 August 1971, notwithstanding your bilateral hearing loss. Although it is possible that you were suffering from the initial stages of retinitis pigmentosa prior to your discharge, that condition is hereditary in nature and would not have been ratable by the Disability Evaluation System. You would not have been entitled to disability benefits for that condition even if it had been service-incurred or aggravated, because it did not render you unfit for duty at that time. In this regard, the Board found that your visual acuity

was recorded as 20/20, 20/30 in the report of your pre-separation physical examination. In addition, the Board noted that you requested early separation from the Navy, and specifically waived your right to further military medical care as part of that request.

In view of the foregoing, 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