



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

JRE

Docket No. 03478-08

9 May 2008

[REDACTED]

[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 8 May 2008. 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.

On 26 June 2007 and 16 July 2007, the Physical Evaluation Board determined that you were fit for duty notwithstanding your diagnoses of inflammatory bowel disease, hemochromatosis, gastroesophageal reflux disease, abdominal pain, chronic diarrhea and chronic arthralgias. That finding was approved for the Secretary of the Navy on 2 August 2007.

The Board concurred with the findings of the PEB. A Fitness Report and Counseling Record covering the 1 November 2006-3

August 2007 period supports those findings, as it indicates, in part, that you passed the physical readiness test, performed one hundred seventy surgical procedures, and received the Navy Achievement Medal for exemplary performance and leadership. You were ranked above at least thirty seven of your peers, and were recommended for early promotion.

As you have not demonstrated that you were unfit to reasonably perform the duties of your office, grade, or rank by reason of physical disability, the Board was unable to recommend 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,



ROBERT D. ZSALMAN
Acting Executive Director