



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

LCC
Docket No. 5450-08
14 Oct 08

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 October 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. In addition, the Board considered the advisory opinion furnished by Bureau of Medicine and Surgery letter 5420 Ser M00C/08UM00C2141 of 25 September 2008, a copy of which is attached.

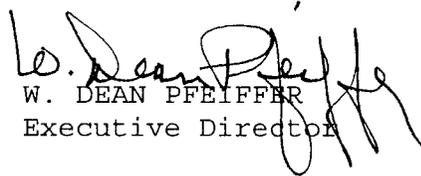
Prior to preparing the advisory opinion, the Bureau of Medicine and Surgery convened a board of dentists to review your application and the available records. That board found that there was insufficient evidence to show any error or injustice in the discharge examination. Your records showed a history of bruxism. They also showed that you were found physically qualified for separation after a separation dental exam on 22 June 2007. There is no evidence that you were experiencing any symptoms associated with cracks in your teeth before your discharge. Your cracks, if any, were likely superficial and required no treatment prior to your discharge. Simply because, six months later, with input from a civilian dentist, you chose to receive treatment does not mean that an error was made prior to your discharge.

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 connection, the Board substantially concurred with the comments contained in the advisory opinion. 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 also 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

Enclosure