



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

JRE
Docket No. 05802-08
11 May 2009

[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 23 April 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.

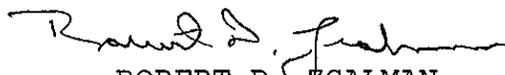
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not accept your contention to the effect that celiac sprue is a food allergy, and that your transfer to a non-pay status in Navy Reserve in June 2006 was therefore erroneous. The Board found that celiac sprue is a genetic disorder manifested by an autoimmune response that can damage the small intestine and cause malnutrition and other serious health concerns. The presumption in favor of a finding of physical qualification that applies to conditions such as food allergies, personality disorders, and insect bite hypersensitivity, among others, is not applicable to celiac sprue. The fact that the Physical Evaluation Board ultimately determined that you were physically qualified for further service does not invalidate your transfer to a non-pay status or provide a basis for

granting you service credit and pay for duty you did not perform. 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