



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

JRE  
Docket No. 08599-08  
3 August 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 9 July 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 found that you enlisted in the Navy on 4 March 1966. On 28 April 1966, a medical board gave you a diagnosis of bronchial asthma, which existed prior to your enlistment and was not aggravated by your service in the Navy. The medical board recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. On 28 April 1966, after being advised of the findings and recommendation of the medical board, you waived your right to a hearing before the Physical Evaluation Board, and requested that you be discharged as soon as possible without retirement or

severance pay, and without any compensation whatsoever from the Department of the Navy. You were discharged on 3 May 1966 in accordance with your request and the approved findings and recommendation of the medical board.

As you have not demonstrated that you were unfit for further service by reason of physical disability that was incurred in or aggravated by your brief period of naval service, the Board was unable to recommend any corrective action in your case. In addition, the Board noted that the issue of your entitlement to benefits administered by the Department of Veterans Affairs is a matter within the purview of that department, rather than the Department of the Navy.

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