



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

CRS
Docket No: 3985-09
24 April 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 22 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 found that you enlisted in the Navy on 24 July 2008. You were examined by an ophthalmologist on 1 August 2008 to determine if you suffered from retinitis pigmentosa (RP), and because of your complaints of tunnel vision/lack of peripheral vision and possible night blindness. The ophthalmologist felt that your condition was most likely an atypical form of RP without many of the normal hallmarks of that condition; however, he did note areas of degeneration of your retinas with pigmented clumps, atrophic holes and a choroidal nevus. He determined that you had visual field defects that were incompatible with military service and recommended that you be processed for an entry level separation. On 28 August 2008, you were discharged by reason of your failure to meet medical/physical procurements standards with an entry level separation.

The Board did not accept your contention to the effect that you met applicable medical procurement standards, and that you were therefore discharged in error. As indicated above, you were disqualified from service due to a significant visual field defect. It is immaterial whether or not the disqualifying defect was caused by RP or some other undiagnosed condition, such as optic neuropathy or congenital night blindness as suggested by

the retinal specialists you consulted after you were discharged from the Navy. The Board concluded that you failed to demonstrate it would be in the interest of justice for it to restore you to active duty or to change the basis of your discharge. 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,


W. DEAN PFEIFFER
Executive Director