



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

JRE
Docket No. 03786-10
22 December 2010



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, in which you requested, in effect, that your discharge from the Navy Reserve be set aside and that you be declared fit for duty.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 December 2010. 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 17 November 2009, the Physical Evaluation Board (PEB) found you not physically qualified (NPQ) for service in the Navy Reserve due to your history of recurrent syncope (fainting) of unknown etiology. A letter advising your options with regard to that finding was forwarded to you on or about 2 December 2009. As you did not respond within the time prescribed, your acceptance of the NPQ finding was presumed. On January 2010, the President, PEB, advised the Chief of Naval Personnel that you had been found NPQ and requested that you be discharged or transferred to a retired status if appropriate. You

were discharged in accordance with the finding of the PEB on a date not shown in the available records.

The Board was not persuaded that the PEB erred when it found you not physically qualified for further service due to recurrent syncope, or that it did not give you timely notice of your rights and options in connection therewith. 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