



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

JRE  
Docket No. 10323-10  
1 October 2010

[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 30 September 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. In this regard, the Board concurred with the determination made in your case by the Combat Related Special Compensation Board on 16 January 2009 that the disability of your lumbar spine is not combat-related. The Board could not find any indication in your naval record that you sustained a back injury while serving in Vietnam or performing duties simulating war.

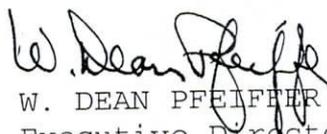
The Department of Veterans Affairs granted your request for service connection for a back condition based on several entries in your naval health record. One of those entries, dated 5 October 1967, shows that

you had had low back pain for about one and one-half years, which would have been before you were assigned to Vietnam. The entry does not mention a history of trauma. In addition, your health record contains a Report of Medical History dated 12 April 1970 in which you disclosed a history of fainting spells and sea sickness, but did not report a history of a back injury or back pain.

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