



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 6985-21
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitation and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 3 March 2022. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies, as well as a 27 February 2022 advisory opinion (AO) of a qualified medical professional, a copy of which is enclosed.

The Petitioner enlisted in the Marine Corps and commenced a period of active duty on 21 September 1998. On 16 November 2002, you were diagnosed with "cat scratch disease" by a medical provider at █. On 20 September 2003, you were honorably released from active duty at the expiration of your service obligation.

In your petition, you assert that you were misdiagnosed with "cat scratch disease" in November 2002, and you instead should have been diagnosed with eczema or allergic contact eczema. You further state this this diagnosis is negatively affecting your ability to be compensated for you condition by the Department of Veterans Affairs (VA). In connection with your petition, the Board obtained the 27 February 2022 AO, according to the AO:

Signs and symptoms of Cat Scratch Disease include a scab or pustule at the scratch/puncture site (often times appears reddish, with a crust and possibly pus), fever, headache, fatigue, poor appetite, and enlarged tender lymph nodes(s) in

proximity to the cat scratch. The documented rash did not fit this description, there was no history of fever, headache, or fatigue and the physical examination did not reveal a cat bite or scratch, or any swollen lymph nodes. Petitioner also complained of pruritus (itchiness), which is not a symptom associated with Cat Scratch Fever.

In summary, the preponderance of evidence provides sufficient support for the request. This is due to the presence of objective evidence that the Petitioner's history and physical examination are more consistent with the signs, symptoms, and physical examination findings for the diagnosis of Eczema/Dermatitis than Cat Scratch Disease.

The Board carefully reviewed your contentions, as well as the AO, and determined the evidence did not support your rationale for relief. The Board acknowledged that the AO determined that the symptoms described in your medical contact in November 2002 were akin to eczema/dermatitis and did not fit the description of cat scratch disease. Notwithstanding this opinion, the Board believed that it was not in a position to second-guess the diagnosis issued twenty years ago issued contemporaneously with symptoms you presented at the time. Accordingly, the Board determined the preponderance of the evidence did not support a finding that you were misdiagnosed in 2002. Therefore, the Board concluded insufficient evidence of error or injustice exists to warrant relief in your case.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

3/11/2022

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Deputy Director

Signed by: █