



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

JRE  
Docket No: 3232-00  
31 August 2001



Dear [REDACTED]

This is in reference to your request for further consideration of 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, reconsidered your application on 23 August 2001.. 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 adhered to its original determination that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board noted that you did not make full disclosure of your pertinent medical history prior to enlisting in the Marine Corps. Although you disclosed that you had undergone two hernia operations, you did not disclose your treatment for a hydrocele and bilateral varicocele. As indicated during the Board's initial review of your application, this prevented the physician who conducted your pre-enlistment physical examination from making an informed determination concerning your fitness for military service. You were not discharged because of the effects of a recurrent hernia, as you now allege, but because of the effect of recurrent bilateral varicocele. The recurrence was assessed as the natural result of a process which pre-dated your enlistment, and it was not felt that the condition had increased in severity beyond its natural progression during your brief period military service. The fact that a pre-existing condition becomes symptomatic during a period of military service, or that previously undisclosed symptomatology increases in severity upon a service member's, does not amount to service aggravation. The fact that the Department of Veterans Affairs belatedly awarded you a rating for an inguinal hernia and a mental disorder thought to be

related thereto is not probative of the existence of error or injustice in your case. It appears that the VA reversed its earlier determination that your condition was not service connected based on its acceptance of the statement of a private physician. His statement was to the effect that based on his review of available records, the results of an examination he conducted more than five months after you were discharged, and your statements that you had "gotten hurt while performing physical training", he opined that you were suffering from a recurrent hernia rather than a varicocele at the time of your discharge. The Board rejected that reasoning. It noted that physical examination in connection with your medical board processing disclosed evidence of bilateral severe varicosities on the right and left testicular areas, and that you complained of bilateral scrotal pain. There was no evidence of a recurrent hernia, and you did not claim to have been injured or that you had felt a "pop", which was followed by inguinal pain.

The Board rejected your unsubstantiated contention to the effect that you were forced to sign a statement concerning the origin of a disability.

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