



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

JRE
Docket No: 7327-01
23 October 2001



Dear [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 12 October 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 found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-enlistment physical examination on 3 June 1994. You disclosed a history of allergies to pollen and penicillin, but denied a history of asthma, shortness of breath, and pain or pressure in the chest. You enlisted in the Navy on 26 September 1994. Shortly after enlisting, you disclosed a pre-service history of asthma. After obtaining your civilian medical records, which apparently substantiated a pre-service diagnosis of asthma, you were discharged by reason of erroneous enlistment. The fact that pulmonary function testing conducted on 1 June 2001 did not show evidence of asthma at that time was considered insufficient to demonstrate that you did not suffer from a disqualifying pulmonary condition in 1994, or to establish that you are physically qualified for enlistment in the Navy at this time. 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