



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

JRE
Docket No: 7438-00
17 August 2001

[REDACTED]

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 29 July 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. In this regard, the Board noted that in accordance with the provisions of paragraph 2016, Secretary of the Navy Instruction 1850.4B, a copy of which is attached, your disorder was classified as a condition not constituting a physical disability. As you did not suffer from a disability incurred in or aggravated by your service, there is no basis for granting your request. 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

Enclosure

2016 Conditions Not Physical Disability

Certain conditions and defects of a developmental nature designated by the Secretary of Defense do not constitute a physical disability and are not ratable in the absence of an underlying ratable causative disorder. If there is a causative disorder, rate it in accordance with other provisions of this Instruction. These conditions include, but are not limited to, those listed in the paragraph below. Such conditions should be referred for appropriate administrative action under other laws and regulations.

- a. Enuresis
- b. Sleepwalking and/or Somnambulism
- c. Dyslexia and Other Learning Disorders
- d. Attention Deficit Hyperactivity Disorder
- e. Stammering or Stuttering
- f. Incapacitating fear of flying confirmed by a psychiatric evaluation
- g. Airsickness, Motion, and/or Travel Sickness
- h. Phobic fear of Air, Sea and Submarine Modes of Transportation
- i. Certain Mental Disorders including:
 - (1) Uncomplicated Alcoholism or other Substance Use Disorder
 - (2) Personality Disorders
 - (3) Mental Retardation
 - (4) Adjustment Disorders
 - (5) Impulse Control Disorders
 - (6) Homosexuality
 - (7) Sexual Gender and Identity Disorders, including Sexual Dysfunctions and Paraphilias
 - (8) Factitious Disorder

- j. Obesity
- k. Overheight
- l. Psuedofolliculitis barbae of the face and/or neck
- m. Medical Contraindication to the Administration of Required Immunizations
- n. Significant allergic reaction to stinging insect venom
- o. Unsanitary habits
- p. Certain Anemias (in the absence of unfitting sequelae) including G6PD Deficiency, other inherited Anemia Trait, and Von Willebrand's Disease
- q. Allergy to Uniformed Clothing, Wool

2017 Death

Total and permanent cessation of all vital functions. A determination of death must be made in accordance with accepted medical standards and the laws of the State where the member is located or the military medical standards in effect at an overseas location. See paragraph 3904.

2018 Deployable

A determination that the member is free of a medical condition(s) that prevents positioning the member individually or as part of a unit, with or without prior notification, to a location outside the Continental United States for an unspecified period of time. Non-deployability does not necessarily equate to Unfitness.

2019 Disability Benefits

a. Active Duty. Disability retirement pay and severance pay, authorized by 10 U.S.C., Chapter 61, provided for members, who, if otherwise qualified, become Unfit to continue naval service because of physical disability acquired or aggravated while entitled to receive basic pay. Once released from active duty and no longer entitled to receive base pay, members or former members are not authorized benefits under 10 U.S.C., Chapter 61, even though their disabilities are service connected. Rather, such members or former members must file separate disability claims with the Department of Veterans Affairs (VA).