



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

LCC:ecb  
Docket No: 444-03  
5 August 2003

[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 5 August 2003. 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. In addition, the Board considered the advisory opinion furnished by NPC memorandum 5420 PERS-821 dated 13 June 2003, a copy of which is attached.

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 connection, the Board substantially concurred with the comments contained in the advisory opinion. 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



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
PERS-821  
13 Jun 03

MEMORANDUM FOR SPECIAL ASSISTANT FOR BCNR MATTERS (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Ref: (a) Your ltr 5420 Pers-00ZCB of 16 May 03  
(b) BUPERSINST 1900.8  
(c) NCPB, Physical Evaluation Board ltr 1850 PEB:mjm of 23 Apr 97

1. In response to reference (a), the following is provided:

a. Subject named member (SNM) alleges she was erroneously given the separation code of JFM and should have been given the code of JFN. Her information is based on a letter signed by [REDACTED] on 30 September 1997. The information given in DK1 [REDACTED] letter was incorrect, insomuch that reference (b) states that the separation code JFM is "physical disability which existed prior to entry on active duty and was established by a physical evaluation board (PEB).

b. Per reference (c) SNM was found unfit by the PEB with the condition of Thoracic scoliosis with back pain that existed prior to entry (EPTE), not aggravated, not ratable.

c. Accordingly SNM was given the correct separation code of JFM because the condition was recognized and determined to be EPTE by the PEB.

2. Point of contact for any further action on this case is CW03 [REDACTED]  
[REDACTED] He can be reached at (901) 874-3201.

[REDACTED]  
[REDACTED]  
[REDACTED]  
By direction