



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

JRE
Docket No. 04871-03
8 September 2003

[REDACTED]

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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 September 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.

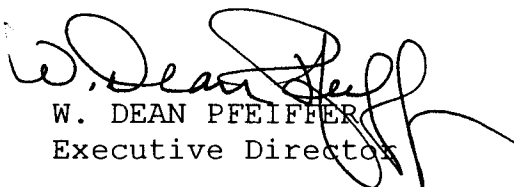
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 1 July 1999. You began to complain of pulmonary symptoms shortly thereafter, which resulted in your being evaluated in a pulmonary clinic. Although your pulmonary function test results were within normal limits, and you showed no significant hypersensitivity to methacholine, you were diagnosed as suffering from subjective asthma, based on your reports and clinical symptoms. As you did not want to remain in the Navy or request a waiver of physical standards for enlistment, you were discharged by reason of your failure to meet medical/physical standards for enlistment, and were assigned a reentry code of RE-4, as required by governing directives.

The Board was not persuaded that the diagnosis that resulted in your discharge was erroneous. As noted above, the diagnosis was based in large part on your subjective complaints. In addition, you forfeited the right to request a waiver of physical standards in order to remain on active duty, and you requested to be discharged. The fact that you did not display symptoms of asthma when examined almost four years after you were discharged was considered insufficient to demonstrate that your separation from the Navy was erroneous, or to warrant any corrective action in your case. 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