



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

[REDACTED]  
Docket No. 6935-16  
MAR 27 2017

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by this Board on 4 January 2016 after the Board applied the Statute of Limitations to your case.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 March 2017. 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.

A review of your record shows that you entered active duty with the Navy in 1959 with a stuttering condition that developed when you were age 13. After successfully completing your first enlistment, you reenlisted in the Navy to attend Submarine School in 1963. However, you reported to medical complaining of your stuttering condition that was worsened due to the pressures associated with Submarine School and other military requirements that did not exist during your first enlistment. On 4 October 1963, you were disenrolled from Submarine School due to your condition. On 13 May 1964, a medical board recommended your discharge from the Navy for unsuitability due to your preexisting stuttering condition. You were discharged on 15 May 1964 after acknowledging your rights.

The Board carefully considered your arguments you deserve a disability discharge based on your stuttering condition that was aggravated by your service. Unfortunately, the Board disagreed with your rationale for relief. The Board concluded that your condition existed throughout your service within the Navy since the severity of the condition was first identified at age 13. Based on your statements, you stated that your condition did not create an impairment to your ability to perform your duties during your first enlistment since your military duties did not involve situations that required you to communicate extensively or place you under pressure. This

convinced the Board that your condition existed and was active during your first enlistment and was not aggravated by your attendance at Submarine School and assignment of other military duties. Since your condition preexisted your entry into the Navy and were not incurred or aggravated by your service, the Board was convinced that the medical board findings were correct and you were properly discharged for unsuitability based on a preexisting condition. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director