



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

█  
Docket No. 5421-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 13 August 2024. The names and votes of the members of the panel will be furnished upon request. 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 applications, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies, as well as the 5 July 2024 advisory opinion (AO) provided by Navy Personnel Command (PERS-313). Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

The Board carefully considered your request to remove the Standard Form (SF) 507, which documents your audiogram from your accession physical in your official record. The Board considered your contentions that the document was incorrectly labeled as a SF 600 and placed under field code 38 (Adverse Information) in your official record. You further contend the document does not belong in the official military personnel file (OMPF) and is in violation of Health Insurance Portability and Accountability Act (HIPAA) due to exposure of personal identifiable information (PII) as well as medical information.

The Board, however, substantially concurred with the AO and PERS-313 decision to retain the SF 507. As the AO noted, on 15 February 2023, the DD Form 2808 and DD Form 2807 were changed to an inactive state for OMPF retainability and are no longer filed within the OMPF. However, the Board noted PERS-313 already took corrective action concerning your request and moved the SF 507 behind DD Form 2808, which was the proper procedure at that time. PERS-

313 also took corrective action and modified the field code from 38 (Adverse Information) to field code 43 (Medical Documents). The Board further noted that all Adverse and Privileged Information (e.g. medical) is filed within a service member's electronic service record under the Adverse and Privileged Information tab. In regards to your contention the document violates HIPAA laws and should be removed, the Board concluded the corrective action taken by NPC sufficiently addresses your concerns and determined and that no further action was required. Thus, the Board determined that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

8/26/2024

