



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

JRE
Docket No: 1452-98
22 February 2000

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 18 February 2000. 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 served on active duty in the Navy from 24 November 1972 to 5 December 1973, when you were discharged by reason of unsuitability. Although you had been treated for the effects of multiple ear infections during your enlistment, your hearing remained within normal limits, and you were found physically qualified for discharge. On 8 March 1984, the Veterans Administration awarded you a 0% rating for residuals of ear infections, and 0% for a minimal hearing loss in the right ear.

The Board did not accept your contention to the effect that you waived the right to appear before a medical board, as there is no indication in the available records that a medical board was indicated or considered in your case. In the absence of evidence which demonstrates that you were unfit to perform the duties of your office, grade, rank or rating by reason of physical disability at the time of your discharge, the Board was unable to recommend 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