



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

HD:hd  
Docket No: 00283-01  
13 July 2001

LCDR [REDACTED] CHC USNR  
[REDACTED]  
[REDACTED]

Dear Commande [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. You requested removal of your second failure of selection to commander, by the Fiscal Year 01 Naval Reserve Staff Corps Commander Selection Board, and that you be granted a special selection board.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 July 2001. 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 opinions furnished by the Navy Personnel Command dated 21 March 2001 and undated, copies of which are 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 warranting the relief requested. In this connection, the Board substantially concurred with the comments contained in the undated 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

Enclosures



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

283-01

1610  
PERS-311  
21 March 2001

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: LCP [REDACTED], USNR, [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests his Personnel Summary Report (PSR) be corrected concerning his fitness report for the period 1 October 1998 to 30 September 1999.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report is not signed by the member; however, block-46 is annotated with "Certified Copy Provided." The member provided a signed copy with his petition.

b. The report in question is a Periodic/Detachment of Reporting Senior/Regular report. The member request his PSR be corrected to indicated a promotion recommendation of "Early Promote" vice "Promotable."

c. On 21 December 2000, the member's PSR was corrected to indicate a promotion recommendation of "Early Promote." The copy of the PSR submitted with the member's petition is dated 27 November 2000.

d. The member proves the report to be unjust or in error.

e. We have replaced the unsigned fitness report with the signed copy.

4. Recommend the member's petition be closed administratively.

[REDACTED]

Head, Performance  
Evaluation Branch



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

283-01

5420  
PERS-86

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
LCDR [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File 00283-01 w/Service Record

1. We are returning enclosure (1) with the recommendation that Lieutenant Commander [REDACTED]'s petition be denied.

2. Lieutenant Commander [REDACTED]'s request for a special board and removal of his failure of select is based on his copy of the Personnel Summary Record (PSR) dated 27 November 2000. A review of the PSR detail page used by the selection board for the FY-01 Reserve Staff Corps Selection Board shows that the error was corrected. Therefore, the correct information was available and used by the selection board, consequently there is no basis for a special selection board or a removal of his failure of select.

3. Lieutenant Commander [REDACTED] can be justifiably proud of his record and years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]  
[REDACTED]  
[REDACTED]  
Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division

DEPARTMENT OF THE NAVY  
NEUROSCIENCES DEPARTMENT  
34730 BOB WILSON DR., STE 201  
SAN DIEGO, CA 92134-3201

6320  
7 Jul 00

From: CDR [REDACTED] MC, USN, Specialty Leader for Neurology,  
Naval Medical Center San Diego

To: Chairman, Board for Correction of Naval Records, 2 Navy Annex,  
Washington, DC 20370-5100

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF  
FORMER [REDACTED]

Ref: (a) Your ltr JRE:jdh Docket No: 7713-99 dtd 7 March 2000  
(b) Neurol 1993;43:1871-1874. Physical trauma and multiple sclerosis  
(c) Neurol 1993;43:1878-1882. Trauma and multiple sclerosis  
(d) Ann Neurol 1994;36:S33-S37. Trauma and Multiple Sclerosis  
(e) J Neurol Sci 1993;115 Suppl:S3-15. The pathogenesis of multiple sclerosis (abstract)  
(f) Clin Neurol Neurosurg 1994;96(2):103-10. The role of trauma in the pathogenesis of  
multiple sclerosis (abstract)  
(g) Neurol 1994;44:1360-1364. Physical trauma and multiple sclerosis  
(h) AAN Dec 1999; Practice Guideline;435-446. The Relationship of MS to Physical  
Trauma and Psychological Stress

Encl: (1) BCNR File  
(2) Service Record  
(3) VA Records/Medical Records  
(4) Disability Evaluation Board Proceedings

1. As requested in reference (a), I have reviewed the records (enclosure (1) through (4)) provided to me. The petitioner requests change of record to state that his disability resulted from a combat related injury. It is clear that his Multiple Sclerosis (MS) first manifest in 1987. However, there are no grounds to conclude that the condition of MS is related to head trauma.

2. References (b) through (d) refer to clinical studies on head injury and multiple sclerosis. Reference (b) states "(MS) patients are at no greater risk after trauma than at other times; nor is it likely that trauma is ever a causal factor in initiating the MS process." Reference (c) concludes, "Head injury and lumbar disk surgery are not associated with the onset of MS." Reference (d), based on the same data makes the same published authoritative conclusion.

3. There is a report, reference (e), from 1993 suggesting an association between MS and trauma. However, reference (d) criticizes this as based on anecdotal reports. As evidence of the scholarly controversy the author of reference (e), later writes reference (f) that it is "inappropriate to attempt to prove or disprove a causal relationship between physical trauma and MS exacerbation

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF  
FORMER [REDACTED]

or clinical onset by means of epidemiologic studies.” Reference (g) is a series of letters arguing both sides.

4. Reference (h) concludes: “On the basis of strong and generally consistent Class II evidence, any posited association of trauma, especially head trauma, with more than a small effect on either MS onset or MS exacerbation is excluded. Moreover, the preponderance of the Class II evidence supports no association between physical trauma and either MS onset or MS exacerbation.”

5. The medical literature does not support the petitioner’s request. I recommend that his request for change of record be denied.

[REDACTED]



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1760  
MMSR-6J  
28 Jul 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

Ref: (a) MMER Route Sheet of 21Jul00, Docket No. 7713-99

1. Reference (a) requests an advisory opinion on Captain [REDACTED]'s request to have his records corrected to show that he was retired from the Marine Corps by reason of "combat related" physical disability in the rank of major.
2. [REDACTED] transferred to the Temporary Disability Retired List (TDRL) on 16 June 1994 in the grade of captain. He transferred to the Retired List by reason of permanent physical disability on 16 June 1999. His promotion to the grade of major on 1 August 1995 by the Commanding General, Marine Corps Reserve Support Command (MCRSC) is invalid because Captain [REDACTED] was in a retired status at that time and, by law, could not be promoted.
3. [REDACTED] entered a retired status on 16 June 1994 and has remained in a retired status since that date. Unfortunately, his subsequent appointment in the Marine Corps Reserve (while in receipt of monthly retired pay) and promotion to major are, therefore, invalid and unlawful.
4. [REDACTED] assertion that his diagnosis of multiple sclerosis resulted from earlier injuries and is, therefore, combat related, is a matter under the cognizance of the Naval Physical Evaluation Board (PEB). We defer further opinion to that Board.
5. With regard to [REDACTED] request for a change in his retired rank and pay grade, we must regretfully recommend that his petition not be granted favorable consideration.

[REDACTED]  
Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps