



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

JRE
Docket No: 7445-01
7 January 2002



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 3 January 2002. 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 were discharged from the Army in 1998, with an entry level separation, because of exercise induced asthma. On 21 June 1999, the Bureau of Medicine and Surgery (BUMED) recommended that you not be granted a waiver of that condition in order to enlist in the Navy. Notwithstanding that recommendation, you enlisted in the Navy on 5 August 1999. You were discharged on 16 September 1999, based on your failure to meet medical/physical procurement standards, based on your complaints of headaches and disclosure of a previously concealed pre-service history of migraine headaches. The Board concluded that had you disclosed that history during your enlistment processing, you would not have been permitted to enlist. It was not persuaded that your reenlistment code is erroneous, or that it would be in the interest of justice to correct your record in such a manner as to facilitate your reenlistment in the armed forces. 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