



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

JRE
Docket No. 01715-07
4 February 2008



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 31 January 2008. 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 enlisted in the Navy on 21 July 2003, and experienced a generalized tonic clonic seizure on 6 August 2003. After being evaluated by a neurologist and undergoing an electroencephalogram, which yielded no abnormal findings, you were given a diagnosis of an idiopathic seizure that was not related to the local anesthetic you had received prior to undergoing a dental procedure on 6 August 2003 or pain medication you took following that procedure. You were discharged from the Navy on 21 August 2003 because of the seizure, which was considered disqualifying for naval service.

On 13 February 2006, the Department of Veterans Affairs (VA) denied your request for service connection for a seizure disorder because you had been symptom free since August 2003, and did not have a current diagnosis of a seizure disorder.

The Board found the medical evidence you submitted in support of your application insufficient to demonstrate that you did not have an idiopathic seizure on 6 August 2003. The fact that you have been seizure free since 6 August 2003, and that a nurse practitioner believes that the condition was provoked by novocaine injections, do not effectively contravene the opinion of the neurologist who examined you prior to your discharge, and gave you the diagnosis of an idiopathic seizure. 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