



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

JRE

Docket No. 02796-07
18 April 2008

[REDACTED]

[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 10 April 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.

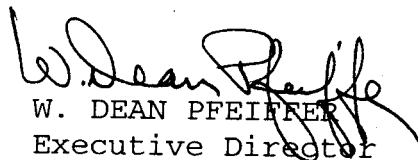
The Board found that you served on active duty in the Navy from 28 December 1960 to 8 December 1964, and reenlisted on 15 January 1976 after a break in service. You were honorably discharged by reason of obesity on 13 November 1989.

Although you suffered from conditions which may have limited your ability to engage in certain physical activities during your naval career, there is no indication in the available

records that you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability, or that your obesity was caused by a medical condition or related physical limitations. Contrary to your assertion, the available records show that you were examined by a medical officer who determined that the cause of your obesity was dietary indiscretion, rather than an underlying medical condition. There was no requirement that the physician order metabolic, endocrine or other laboratory testing before making that determination, and you have not presented any evidence which establishes a underlying medical cause of your long-term obesity. 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