



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

JRE
Docket No. 07665-07
30 June 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 12 June 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.

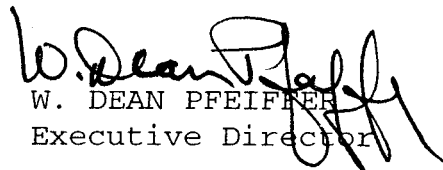
The Board found that you underwent a pre-enlistment physical examination on 7 January 1972 and were found physically qualified for enlistment. You entered on active duty on 31 May 1972. On 8 June 1972, a medical board gave you a diagnosis of a ventral incisional hernia secondary to an old splenectomy, which existed prior to enlistment, and was not service aggravated. As you refused to undergo a simple corrective procedure, the medical board recommended that you be discharged by reason of erroneous enlistment. On 8 June 1972, after being advised of the findings and recommendation of the medical board, you declined to submit a statement in rebuttal thereto. You were discharged from the Navy on 16 June 1972, having completed 16

days of active service, in accordance with the approved recommendation of the medical board.

The fact that you were not found to have an incisional hernia when examined on 7 January 1972 does not demonstrate that the hernia was not present on 8 June 1972, when you entered on active duty, or that it was other than the result of natural progression of a pre-existing condition. You apparently agreed with the findings of the medical board at the time in question, as you did not submit a statement in rebuttal or otherwise challenge its findings. Accordingly, and as you have not demonstrated that you were unfit for service by reason of physical disability, 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