



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

JRE
Docket No. 05997-10
11 April 2011

[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 31 March 2011. 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.

You completed a Report of Medical History on 11 February 2006 in which you disclosed a history of chicken pox and myopia, and denied all other significant history of illness and injury. You specifically denied having a history of back pain and the use of corrective devices such as braces or supports. You enlisted in the Navy on 8 March 2006. It appears that your enlistment was fraudulent, because you belatedly disclosed that you had been treated for a "back problem" as an adolescent, and that you had been required to wear a back brace. You were given a diagnosis of scoliosis, existed prior to enlistment, and recommended for an entry level medical separation. You were so discharged on 11 May 2006, without entitlement to disability benefits administered by the Department of the Navy.

The Board was not persuaded that you were denied necessary medical care during your brief period of naval service, or that the care you received was inadequate or deficient. Accordingly, and as you have not demonstrated that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of service, 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