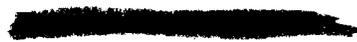




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 2099-02
10 September 2002



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 29 August 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 evidence submitted in support of your application was considered insufficient to demonstrate that you do not suffer from a seizure disorder. In this connection, the Board noted that you did not advise your physician of significant aspects of your medical history. That history, when considered together with the EEG changes noted while you were in the Navy, as well as those noted by your private physician, indicates that you do suffer from a seizure disorder. In addition, the Board noted that you were considered for administrative separation before your seizure disorder was identified. It is clear that you would have been separated from the Navy by reason of unsatisfactory performance and/or a personality disorder had you not been discharged because of the seizure disorder. In either case, you would have received a reenlistment code of RE-4. The available records indicate that you are unsuitable for military service. There is no indication that you were unfit for duty because of a condition incurred in or aggravated by your brief period of service.

In view of the foregoing, 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