



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 3257-99

21 September 1999

[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 21 September 1999. 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. In addition, the Board considered the advisory opinion furnished by CNO memorandum 5420 SER N133D/099417 of 31 August 1999, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420
Ser N133D/ 099417

31 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: [REDACTED]
DOCKET NUMBER - 03257-99

Ref: (a) NAVMED P-117, Chapter 15
(b) NAVPERS 15909F
(c) SECNAVINST 7220.80D

1. Forwarded, recommending disapproval.

2. On 15 November 1996 Chief [REDACTED] was diagnosed with nephrolithiasis with a retained stone. He was subsequently evaluated by competent medical authority as not meeting the physical standards for duty aboard submarines as prescribed in reference (a). He was recommended for disqualification for duty in submarines and effective 20 February 1997 he was disqualified for duty in submarines.

3. On 24 March 1999 Chief [REDACTED] was granted a waiver of the physical standards for submarine duty. His request for reinstatement to submarine duty, required by reference (b) article 5.107, was approved on 28 April 1999 effective 24 March 1999.

4. Reference (c) paragraph 6 clearly states, "SUBPAY and TOSS credit shall not be authorized for any period during which an individual is medically disqualified for submarine duty regardless of subsequent reinstatement."

D. S. RATTE
Submarine Pay
Program Manager