



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

JRE
Docket No: 2474-99
20 July 1999



Dear 

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 24 June 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.

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 were evaluated by a medical board on 23 February 1987, and given diagnoses of chronic synovitis, left knee, and chondromalacia patella, left knee. The medical board report indicates that you had undergone surgery on your left knee on two occasions during your naval career. The second surgery, performed during September 1986, disclosed evidence of chronic synovitis and medial plica. Apparently, no evidence of a torn medial meniscus was noted at that time. X-rays showed no evidence of degenerative joint disease or loose bodies. You complained of problems with both knees, but particularly with pain, swelling and giving way of the left knee. In the opinion of the medical board, given your lengthy history of problems with your left knee, and the lack of improvement despite surgery and conservative therapy, it was unlikely that you would be able to perform the duties of your rate. Accordingly, it recommended that your case be referred to the Disability Evaluation System. You were discharged by reason of physical disability on 17 August 1987, with entitlement to disability severance pay. You were assigned a reenlistment code of RE-3P, to indicate that you require a waiver of physical disqualification in order to become eligible to reenlist.

The Board was not persuaded that your discharge was erroneous. As noted above, you had a long history of knee pain and swelling which was not responsive to therapy. The available records do not demonstrate that your impairment was caused by an undiagnosed tear of your left medial meniscus, or other remediable condition. The exact diagnoses of your knee conditions were not considered by the Board to be particularly significant, given your clear unfitness for duty, and lack of response to appropriate therapy. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. If you believe you are fit for duty at this time, you should contact recruiting officials and pursue obtaining a waiver of your previous physical disqualification.

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