



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

JRE  
Docket No: 8626-98  
21 May 1999



Dear [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 13 May 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 enlisted in the Navy on 20 January 1994. On 2 April 1998, a medical board gave you a diagnosis of left knee patellofemoral syndrome, and referred your case to the Physical Evaluation Board. On 2 June 1998, the Record Review Panel of the Physical Evaluation Board found you fit for duty. You were released from active duty on 7 August 1998. On 3 November 1998, the Department of Veterans Affairs awarded you a 10% rating for patellofemoral syndrome, and 0% for bronchitis. It denied your request for service connection and compensation for migraine headaches, as that condition was not found to exist.

The Board noted that the action taken by the Department of Veterans Affairs in your case is not probative of your contentions or error and injustice, because that agency awards disability benefits without regard to the issue of fitness for military service. As you have not demonstrated that you were unfit for duty because of patellofemoral syndrome, a pulmonary condition or headaches, the Board was unable to recommend any corrective action in your case. 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