



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

JRE  
Docket No. 08353-08  
26 September 2008



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 25 September 2008. 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. In this regard, the Board found that although your medical board concluded that your degenerative knee condition did not exist prior to your enlistment (EPTE), the Physical Evaluation Board (PEB) classified that condition as EPTE and not service aggravated. On 14 August 1987, after being advised of the findings of the PEB, you waived the right to demand a formal hearing and to submit a statement in your behalf, and you accepted the findings of the PEB. You were discharged from the Marine Corps on 18 September 1987, in accordance with the approved findings of the PEB. In a rating decision dated 1 March 1989, the Veterans Administration determined independently that your knee condition was not

"service connected", and denied your request for disability benefits.

In view of the foregoing, and as you have not demonstrated that your knee condition was incurred in or aggravated by your naval 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