



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

CRS
Docket No: 701-09
18 March 2009

[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 19 February 2009. 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.

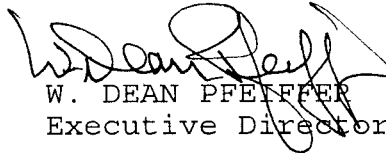
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 1 February 2005. You sought medical treatment for knee pain on 18 April 2005 and several occasions thereafter, and were given a diagnosis of right knee strain, which existed prior to your enlistment. As the condition remained unresolved after you had completed physical therapy and several weeks of light duty, a physician determined that you were not physically qualified for aircrew school, and unsuitable for naval service. You were separated from the Navy with an entry level separation on 3 June 2005, by reason of a condition, not a disability, which interfered with your performance of duty. You were assigned a reentry code of RE-4, as permitted by governing directives.

The Board was not persuaded that your reentry code was assigned in error, or that its continued presence in your record is unjust. Your mistaken belief that you would be eligible to reenlist after the passage of a certain period of time, despite your adverse reentry code, is not probative of the existence of material error or injustice in your naval record, and does not provide a basis for granting your request. 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