



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

JRE
Docket No. 11616-09
19 July 2010

[REDACTED]

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 15 July 2010. 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.

You enlisted in the Navy on 27 July 1981. On 9 October 1981, a medical board gave you a diagnosis of internal derangement, right knee, symptomatic, existed prior to enlistment, and not service aggravated. The medical board noted that you had failed to disclose your history of a disqualifying knee disorder when you applied for enlistment. The medical board recommended that you be discharged without entitlement to disability benefits. On 9 October 1981, after being informed of the findings and recommendation of the medical board, you declined to submit a statement in rebuttal thereto. You were discharged in accordance with the approved recommendation of the medical board on 19 October 1981.

In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of naval service, the Board was unable to recommend 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,

A handwritten signature in dark ink, appearing to read "W. Dean Pfeffer", written over the typed name and title.

W. DEAN PFEFFER
Executive Director