



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

JRE
Docket No. 04145-11
19 August 2011

[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 18 August 2011. 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.

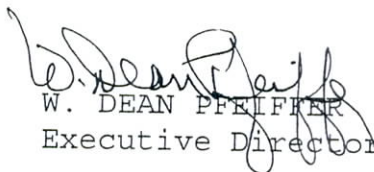
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You served on active duty in the Navy from 6 February 1968 to 15 April 1969, when you were discharged pursuant to your request and the approved findings and recommendation of a medical board that you were unfit for duty by reason of bilateral chondromalacia patellae, that existed prior to your enlistment and was not aggravated by your naval service. On 13 November 1969 and 20 May 2011, the Department of Veterans Affairs (VA) denied your request for service connection for that condition based on its independent determination that it was a constitutional or developmental defect that was not incurred in or aggravated by your service in the Navy.

The Board did not accept your unsubstantiated contentions to the effect that your disability increased in severity beyond normal progression during your naval service, or that you were forced to accept the findings and recommendation of the medical board and request immediate administrative separation without entitlement to disability benefits administered by the Department of the Navy. 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