



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

JRE
Docket No: 5612-99
22 February 2000

[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 10 February 2000. 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 completed two Standard Forms 99, Report of Medical History, on 20 October 1959, in connection with your enlistment in the Navy. On one of the forms, you disclosed a history of trick or locked knee, foot trouble, and dizziness or fainting spells, among other conditions. Each of the named conditions could have resulted in your disqualification from enlistment. The conditions were not disclosed on the other Standard Form 99 you completed on 20 October 1959, and you were found fit for enlistment. You sought medical care for your left knee on 29 February 1960, and disclosed that you had injured the knee about two years earlier, and had had occasional pain, swelling and difficulty straightening it out since that time. On 5 April 1960, a medical board found that you did not meet the minimum standards for enlistment because of a pre-existing knee condition, which was not aggravated by your naval service, and recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You declined to a statement in rebuttal to the finding and recommendation of the medical board. In addition, you waived your right to appear before a physical evaluation board, and asked that you be discharged from the Navy as soon as possible. You were discharged on 15 April

1960, in accordance with your request, in accordance with the approved finding and recommendation of the medical board.

The Board did not accept your contention to the effect that you did not have a pre-service knee injury, as it is controverted by evidence contained in your health record, which clearly establishes that your condition existed prior to your enlistment, and was not aggravated by your service. The Board also noted that you did not rebut the findings and recommendation of the medical board, despite being given the opportunity to do so. The fact that you were found fit for enlistment was not considered significant by the Board, given your failure to fully disclose your pre-service medical history, and the intermittent nature of your knee problem at that time. 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