



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

JRE
Docket No: 1741-99
21 August 2000

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 August 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 on 14 December 1998, you accepted the findings of the Physical Evaluation Board (PEB) that you were unfit for duty because of a probable torn right anterior cruciate ligament (ACL). A second condition, a torn right posterior cruciate ligament, was not considered separately unfitting. You were discharged with entitlement to disability severance pay on 31 January 1999, pursuant to the approved findings of the PEB.

The Board noted the difference of opinion between the surgeons who authored your medical board report, and the surgeon who repaired your torn ACL on 26 February 1999, following your discharge. The latter felt that surgery would not restore you to a condition where you would be able to complete rigorous Marine Corps training, while the former was of the opinion that you would make a full recovery and be fit for full duty. The available records do not indicate the extent of your recovery from your knee injury, or establish that you are not fit for full duty. The Board was not persuaded that your discharge was erroneous, or that you should be restored to active duty. 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