



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

JRE
Docket No: 3217-02
24 May 2002

[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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 May 2002. 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 6 January 1988. You were evaluated by a medical board on 16 March 1988, and given a diagnosis of osteoarthritis, left hip. The medical board report indicates that you had undergone an osteotomy in 1979 to correct dysplasia of your left hip, and that you had been active in sports and had little difficulty with your hip since that time. You reported to sick call shortly after enlisting, and complained of hip pain following a fall on your left knee. The pain resolved, but x-ray examination disclosed a cyst and an active arthritic process in the left hip, and upon physical examination, it was noted that you had limitation of motion in the hip joint. The medical board determined that you did not meet the minimum standards for enlistment because of your hip pain, and recommended that you be discharge without entitlement to disability benefits administered by the Department of the Navy. You protested, to now avail, that you were fit for service. You were discharged for erroneous enlistment on 5 April 1988, in accordance with the approved findings and recommendation of the medical board.

The Board was not persuaded that you were unfit for duty because of a condition which was

incurred in or aggravated by your naval service. You had a pre-existing condition of your left hip which became symptomatic when exposed to the rigors of military training. Although you were arguably fit for duty at the time of your discharge, given your medical history, x-ray and physical findings, it would not have been in the best interest of you or the Navy for you to have been retained on active duty. There is no indication in the available records that the condition increased in severity beyond natural progression during your period of service. The Board noted that even if your condition had been aggravated by your naval service, you would not have been entitled to disability benefits administered by the Department of the Navy because you had not completed six months or more of active service, and your condition would not have warranted a rating above 0-10%.

In view of the foregoing, 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