



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

JRE
Docket No: 4284-00
21 February 2001

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 February 2001. 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 a Standard Form 88, Report of Medical History, on 19 August 1969, in connection with your proposed enlistment in the Navy. You specifically disclosed a history of a recent knee injury, but no evidence of knee pain, swelling or locking was noted, and you did not disclose that the knee was painful. You enlisted in the Navy on 10 November 1969, and certified that there had been no change in your medical history or physical condition from that disclosed on 10 November 1969. You also acknowledged that any misrepresentations by you could result in trial by court-martial or discharge under other than honorable conditions. You began to complain of knee pain almost immediately after enlisting, and you disclosed a four month history of knee pain and limping. You were discharged on 28 November 1969 due to your failure to meet the minimum physical standards for enlistment due to a condition which existed prior to your enlistment, and was not aggravated by your brief period of service.

The Board was unable to conclude that you were unfit by reason of a physical disability which was incurred in or aggravated by your brief period of naval service. In this regard, it

noted that you apparently minimized your symptoms when you underwent your pre-enlistment physical examination, and there is no evidence that you suffered any significant trauma or injury to your knees during your enlistment. 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