



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

JRE
Docket No. 02964-03
6 May 2003



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 1 May 2003. 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 underwent a pre-separation physical examination on 24 September 1991, and were found physically qualified for separation. Although you disclosed a fairly extensive medical history and several medical complaints at that time, none of the conditions noted was considered disqualifying. You were discharged from the Navy on 17 November 1991 by reason of completion of your active service obligation. You were assigned a reenlistment code of RE-3T, to indicate that you did not meet applicable weight standards at that time.

The Board was not persuaded that you were unfit for duty because of a bilateral knee condition at the time of your discharge, as

there is no indication in the available records that you were unable to perform your duties because of that condition. It rejected your contention to the effect that you could not meet weight standards because of activity limitations caused by the effects of your knee condition. The fact that the Department of Veterans Affairs awarded you a 10% rating for each knee was not considered not probative of the existence of error or injustice in your record, because that agency assigns disability ratings without regard to the issue of fitness for military service. In addition, the 10% ratings indicate that the impairment caused by the condition was mild.

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