



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

JRE
Docket No. 00645-06
2 April 2007



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 29 March 2007. 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 served on active duty in the Marine Corps from 11 July to 5 August 2005, when you were discharged because of residuals effects of a right knee injury that interfered with your performance of duty in boot camp, but were not considered disabling. You underwent an examination at a Department of Veterans Affairs (VA) facility on 9 January 2006, and found to have good range of motion in the right knee joint, with no instability, heat, effusion, or radiographic evidence of misalignment, arthritic changes, soft tissue swelling, abnormal calcification or bony lesions. The available records do not

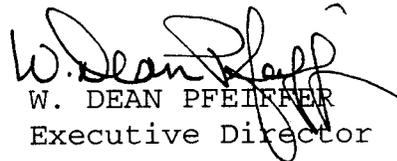
indicate whether the VA awarded you a disability rating for a knee condition.

The Board was not persuaded that you were unfit for further service by reason of physical disability at the time of your discharge. In addition, it found that even if you had been found unfit for duty by reason of physical disability, you would not have been entitled to disability retirement, which requires a disability rating of 30%, or to disability severance pay, which requires a minimum of six months of active duty service.

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