



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

TJR
Docket No: 8665-07
27 October 2008

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 21 October 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 19 January 2000 at age 24. During the period from 11 to 25 February 2000, while in recruit training, you were referred for a medical evaluation due to complaints of knee problems. You were diagnosed with chronic knee arthralgia, a condition that existed prior to your enlistment. You were found to be medically unfit for further service and recommended for an expeditious administrative separation.

On 29 February 2000 you were notified of pending administrative separation by reason of failed medical and/or physical procurement standards due to the diagnosed chronic knee arthralgia. At that time you did not object to the separation and waived your right to submit a rebuttal statement to the aforementioned notification. On 1 March 2000 the separation authority directed an uncharacterized entry level separation by reason of failed medical and/or physical procurement standards and on 6 March 2000 you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to reenlist and assertion that since you did not do anything illegal you should not be assigned an RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your failed physical procurement standards. Further, the Board concluded that your diagnosed chronic knee arthralgia was sufficient to support the assignment of an RE-4 reenlistment code. Finally, such a code is authorized by regulatory guidance and normally assigned to Sailors who are separated due to their failure to complete recruit training. 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