



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

JRE
Docket No. 01503-08
28 October 2008

[REDACTED]

[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 23 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 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 Navy from 31 October to 21 December 2007, when you were discharged by reason of erroneous entry due to a disqualifying knee condition which existed prior to your enlistment. You were assigned a reentry code of RE-3E, which the most favorable code available to a Sailor discharged for erroneous entry.

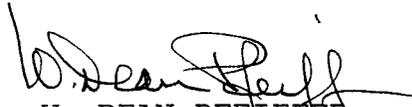
Your enlistment was considered erroneous because Navy medical authorities did not discover that your knee could not withstand the rigors of active duty service until after you enlisted. There is no credible evidence that your knee condition increased in severity beyond natural progression during your brief period

of service in the Navy. In addition, the Board noted that you could have been processed for separation by reason of fraudulent entry due to your failure to fully disclose the circumstances of your previous discharge from the Marine Corps, which was based on a number of disqualifying medical conditions that existed prior to that period of service.

In view of the foregoing, and as you have not demonstrated that you were unfit for further service by reason of physical disability that was incurred in or aggravated by your service in the Navy, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. 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