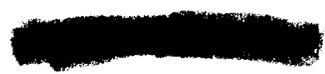




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 03570-08
22 September 2008



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 18 September 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.

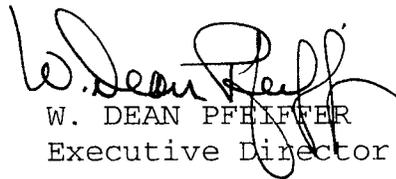
The Board found that you enlisted in the Navy on 13 October 1969. On 23 December 1969, a medical board determined that you were not physically qualified for service because of a degenerative knee condition that existed prior to your enlistment and was not aggravated by your naval service. The medical board report indicates that you reported a five-year history of chronic knee pain. The medical board recommended that you be discharged by reason of erroneous enlistment, without entitlement to disability benefits administered by the Department of the Navy. After being advised of the findings and recommendation of the medical board, you declined to submit a statement in rebuttal. You were honorably discharged by reason

of erroneous enlistment on 13 January 1970. On 11 December 1973, the Veterans Administration denied your request for service connection and disability compensation for a knee condition.

As you have not demonstrated that you were physically qualified for further service on 13 January 1970, there is no basis for any corrective action in your case. 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