



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

JRE
Docket No. 07097-08
11 May 2009

[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 7 May 2009. 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.

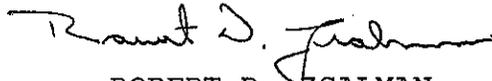
The Board found that you enlisted in the Marine Corps on 27 August 1984. On 5 August 1985, a medical board gave you a diagnosis of osteochondritis dissecans, right medial femoral condyle, which existed prior to your enlistment and was not aggravated by your service. The medical board report indicates that you admitted having intermittent symptoms of right knee pain with heavy activity since you were 14 years of age, and that you had experienced recurrent knee pain with occasional swelling since enlisting that was related to running. The medical board determined that you failed to meet the minimum physical standards for enlistment because of the knee condition, and recommended that you be discharged 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 response thereto. You were discharged in accordance with the approved recommendation of the medical board on 8 November 1985.

In the absence of evidence which demonstrates that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your naval service, the Board was unable to recommend 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,



ROBERT D. ZSALMAN
Acting Executive Director