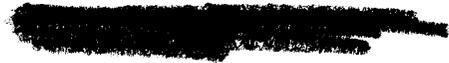




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 07298-08  
27 March 2009



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 8 January 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.

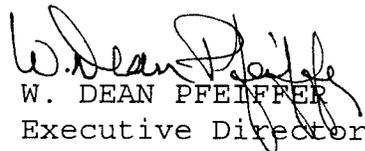
The Board found that on 3 June 2008, the Physical Evaluation Board (PEB) made preliminary findings that you were fit for duty, notwithstanding your diagnoses of chondromalacia patella, history of deep vein thrombosis and several other conditions. Essentially, the PEB determined that you did not suffer from any conditions that significantly interfered with your ability to perform the duties of your office, grade, rank or rating. You disagreed with the finding of fitness, and requested that the PEB reconsider it and that you be accorded a formal hearing if the findings were not modified. The presiding officer of your PEB determined that there was no basis for changing the finding of fitness, and recommended that your request for a formal

hearing be denied. The President, PEB, denied your request for a formal hearing on 2 July 2008.

The Board was not persuaded that you should have been found unfit for duty due to the potential consequences of your continued inability to complete a physical fitness test, or that it would be in the interest of justice to correct your record to show that you were found unfit for duty and placed in a permanent limited duty status until such time as you have completed ten years of commissioned service and qualified for retirement as an officer. 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