



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

JRE  
Docket No. 02031-08  
22 September 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 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.

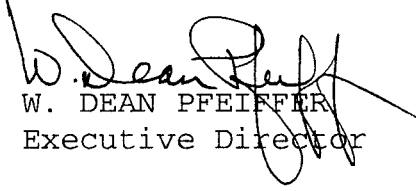
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board found that although you were placed on limited duty on 12 February 1985, in accordance with the approved findings of a medical board, you were found fit for full duty on 12 September 1985. You underwent a pre-separation physical examination on 10 January 1986 and were found physically qualified for separation. You were released from active duty on 8 February 1986 by reason of completion of obligated service. On 21 April 1986, the Veterans Administration (VA) awarded you a 10% rating for a condition of your left knee.

Your receipt of a VA disability rating is not probative of the existence of error or injustice in your Navy record, as the VA assigned that rating without regard to the issue of your fitness for military service. As you have not demonstrated that you were unfit for duty on 8 February 1986, there is no basis for granting your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you believe that your knee condition is disabling at the present time, you should contact the VA and request to reopen your claim with that department.

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