



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

REC  
Docket No: 00435-09  
9 November 2009

[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 28 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 13 November 1984, at age 23. On 29 July 1985, you were referred to a Medical Review Board (MRB) and its findings were in agreement with your original diagnosis of having degenerative arthritis in your left knee. However the MRB's conclusion was that the condition existed prior to your enlistment in the Navy and found you not fit for full duty. The MRB recommended discharge. Based on the MRB's decision, you were processed for separation by reason of physical disability which existed prior to entry on active duty. After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 3 December 1985, you were discharged with an honorable discharge. At that time, you were assigned a reenlistment code of RE-3P, which is the most favorable code and is waivable by armed forces recruiters.

The Board, in its review of your application, carefully weighted all potentially mitigating factors, such as your youth and overall record of service. The Board noted that applicable regulations require the assignment of an RE-3P reenlistment code to individuals who are separated due to a medical condition that existed prior to entry into the service. The Board thus concluded that there is no error or injustice in your reenlistment code. 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