



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

JRE
Docket No. 01678-09
5 June 2009

[REDACTED]

Dear [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 29 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 Navy on 31 January 2002. On 15 February 2002 you sought medical treatment for left knee and right shoulder pain, each of which existed prior to your enlistment (EPTE). You stated that you had sustained an "AC" (acromioclavicular) separation two months earlier, and that you had difficulty doing pushups. The Board noted that the AC is one of the three joints that comprise the shoulder. You were given diagnoses of grade III/IV AC separation and left knee pain, and recommended for entry level separation due to your EPTE shoulder pain. On 15 February 2002, you signed a statement to the effect that you were being discharged for an EPTE condition identified as "Shoulder Dislocation, Chronic", and "in layman's terms: Shoulder dislocation, Instability". You were

discharged by reason of a condition, not a disability, on 26 February 2002, with an uncharacterized entry level separation, and assigned reentry code of RE-3G.

The Board did not accept your contention to the effect that you never suffered from a shoulder separation, as that contention is belied by medical record entries and your signed statement each dated 15 February 2002. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not reconsider your request for correction of your reentry code since you did not submit any new material evidence or other matter concerning that issue.

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