



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

REC
Docket No: 01200-10
4 November 2010

[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 3 November 2010. 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 on 28 August 2008, and began a period of active duty on 15 July 2009. During your initial processing at the Military Entrance Processing Station, you claimed on the report of medical history that you had three knee surgeries, but had experienced no pain since. However, on 23 July 2009, a medical evaluation was conducted and you documented that you had right knee pain and swelling prior to commencing your active duty, but failed to document that fact. On 30 July 2009, you were notified of pending administrative separation action by reason of failed medical and physical procurement standards due to the instability of your right knee which was not disclosed prior to your entry into the Navy. You were counseled regarding your condition, and advised to seek treatment after separation. Based on the medical evaluation, you were processed for separation by reason of failed medical and physical procurement standards due to the instability of your right knee. You were advised of your rights, and you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 6 August 2009, you were discharged with an uncharacterized separation by

reason of failed medical/physical procurement standards. At that time, you were assigned a reentry code of RE-4.

The Board in its review of your application, carefully weighted all potential mitigating factors, such as your youth and your desire to reenlist in the armed forces. The Board noted that applicable regulations require the assignment of an RE-4 reentry code to individuals who are separated due to a medical condition that existed prior to entry into the service. The Board also noted that accompanying your application, you made the statement that prior to your enlistment you had knee surgery with no complications and never had any knee problems since. The Board thus concluded that there is no error or injustice in your RE-4 reentry 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 PFIEFFER
Executive Director