



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

JRE  
Docket No. 03885-10  
4 March 2011

[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.

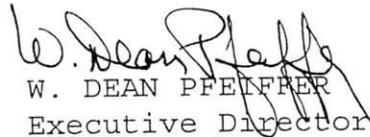
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 March 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. 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, it was not persuaded that the minimal impairment associated with your knee condition when you were released from active duty and discharged in 1971, warranted a rating in excess of 10%. With regard to the 0% deduction for an existed prior to enlistment (EPTE) factor, the Board concluded that you failed to demonstrate that the deduction was unwarranted. In addition, the Board found that you could not be accorded effective relief in any case, because the EPTE factor deduction did not affect your final rating of 10%. The Board did not accept your contention to the effect that your final disability rating caused the Department of Veterans Affairs (VA) to deny your claim, as appears your claim was denied because the knee disability no longer existed when you underwent a VA pension and compensation examination following your discharge.

In view of the foregoing, 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