



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

JRE  
Docket No. 04196-10  
10 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 25 February 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.

You served on active duty in the Marine Corps from 7 July 2003 to 11 March 2004, when you were discharged for the convenience of the government due to a condition that interfered with your ability to complete entry level training. Following your discharge, the Department of Veterans Affairs (VA) awarded you a disability rating of 10% for right knee patellar tendonitis.

Your receipt of disability compensation from the VA is not probative of the existence of error or injustice in your naval record because the VA awarded that compensation without regard to the issue of your fitness for military service at the time of your discharge. Although you suffered from long-term knee and shoulder pain which interfered

with your ability to perform your duties, you were not considered unfit for duty by reason of physical disability. You were discharged only after you had received the maximum benefits of treatment and continued to experience pain that interfered with your performance of initial entry training. As you have not demonstrated that your condition was severe enough to have rendered you unfit for duty, the Board was unable to recommend approval of your request. 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