



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

JRE
Docket No. 06935-10
27 April 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 21 April 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 enlisted in the Marine Corps on 11 December 2002, and received treatment for a contusion of the right knee on 23 December 2002. On 7 January 2003 you were given a diagnosis of patellofemoral syndrome, and on 14 January 2003, you disclosed that you had suffered from knee pain since high school. The diagnosis of your knee condition was changed to chondromalacia patella (CMP), and you were recommended for discharge because knee pain which interfered with your ability to perform your duties as a recruit. You were discharged on 11 February 2003 with an uncharacterized entry level separation and assigned a reentry code of RE-3P, which indicates that you require a waiver of physical disqualification in order to become eligible for reenlistment. On 3 December 2010, the Department of Veterans

Affairs denied your request for service connection for residuals of an injury to your right knee.

The Board was not persuaded that you were discharged from the Marine Corps in error. Although you were not unfit for duty by reason of physical disability, you suffered from a condition which interfered with your performance of duty and warranted your separation. The assignment of a reentry code of RE-3P does not indicate that you have a "permanent" knee condition, or that you are precluded from reenlisting at some time in the future. As it is not within the purview of the Board to grant a waiver of physical disqualification from enlistment, no action was taken on that portion of your request.

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