



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD BLDG 12, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 2220-13

December 16, 2013

[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 12 December 2013. 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 Navy from 13 to 31 January 1992, when you were discharged by reason of erroneous entry due to a disqualifying knee condition which existed prior to your enlistment.

Your receipt of a disability rating from the Department of Veterans Affairs (VA) beginning in 2010 was not considered probative of the existence of error or injustice in your naval record because the VA assigned that rating without regard to the issue of your fitness for duty in 1992. In the absence of evidence which demonstrates that you were unfit for duty by

reason of physical disability that was incurred in or aggravated by your 18 days of naval service, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied.

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