



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

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Docket No. 2471-22
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 July 2022. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

A review of your record shows that you enlisted in the Navy and commenced a period of active duty on 25 August 1987. You reported to the medical department presenting with knee pain, explaining that you had persistent knee pain for more than a year ever since you were hit by a car. You were referred to be reviewed by a medical board. On 9 September 1987, the medical board found that you had chondromalacia patella, which was found to exist prior to entry and which was found to not have been aggravated by service. The medical board recommended that you be "discharged by reason of enlisted in error i.e. failure to meet enlistment physical standards." Pursuant to the findings and recommendations of the medical board, you were discharged on 22 September 1987.

In your petition, you request that your discharge be changed to a medical discharge. In support of your petition, you contend that you were released with an Honorable medical discharge due to a knee injury. The Board carefully considered your arguments, including the entirety of your petition and all of its enclosures. The Board also reviewed your service and medical records. In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. In denying your request for a

medical discharge, the Board observed that your record does not support your contentions and there were no finding by the medical board that you had a qualifying disability condition while you were on active duty. Rather, the Board found that you were in fact discharged based on contemporaneous medical findings that you had a disability condition that existed prior to entry, and which was not aggravated by your service. As such, the Board disagreed with your rationale for relief and denied your application.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

7/19/2022

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Executive Director

Signed by: 