



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

JRE
Docket No: 6487-02
26 August 2002

[REDACTED]

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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 15 August 2002. 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.

The Board found that you enlisted in the Marine Corps on 18 September 1989. On 20 March 1990, a medical board gave you a diagnosis of bilateral patellofemoral syndrome, existed prior to entry, not service aggravated, and recommended that you be discharged by reason of failure to meet the minimum physical standards for enlistment. After being advised of the findings and recommendation of the medical board, you waived your right to appear before the Physical Evaluation Board to contest your proposed discharge, and you requested to be discharged from the Marine Corps as soon as possible, without entitlement to disability benefits administered by the Department of the Navy. Available records indicate that you were dissatisfied with the medical treatment you had received for your condition, which was manifested by symptoms which were largely subjective in nature, and it appears that you had requested a congressional investigation into the circumstances of your medical treatment. You were discharged in accordance with your request on 25 April 1990. You were assigned a reenlistment code of RE-3P, which is not an absolute bar to reenlistment, as you would be eligible to reenlist in the event that you obtained a waiver of your disqualifying physical condition, and were otherwise qualified.

The Board was not persuaded that your discharge was erroneous or unjust. You were discharged because you had a disqualifying condition that prevented you from fully participating in military training at that time, and was not responsive to treatment . As noted above, you did not object to the discharge, and in fact, requested that you be discharged as soon as possible. The fact that your condition became quiescent shortly after you left the Marine Corps, although relevant to the issue of your present qualification for military service, is insufficient to demonstrate that you met the minimum physical standards for enlistment in 1989.

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