



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

JRE
Docket No. 03396-03
15 September 2003



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 11 September 2003. 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.

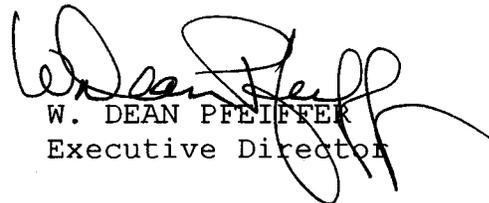
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that a medical board evaluated you on 28 November 2001. It gave you diagnoses of chronic left knee pain, probable sub-clinical degenerative joint disease in the knee, and possible recurrent medial meniscus tear. The medical board noted that you had declined to undergo further surgery at that time. The medical board remarked that you had pain along the medial joint line, and excellent range of motion in the knee, with no crepitus, effusion, or radiographic evidence of obvious arthritis. On 4 March 2002, the Physical Evaluation Board (PEB) reviewed the medical board report, and determined that you were fit for duty. On 20 March 2002, the Naval Medical Center, Portsmouth, Virginia, recommended that you

be discharged from the Navy because of your unsuitability for continued military service due to your longstanding complaint of pain which did not amount to a physical disability, but was of such severity as to interfere with your performance of duty. You were honorably discharged from the Navy on 24 April 2002, by reason of a condition, not a disability, interfering with your performance of duty.

The Board was not persuaded that you were unfit for service by reason of physical disability ratable at or above 30% disabling, which is the minimum rating necessary for a service member to qualify for disability retirement. It concluded that although you had a long history of knee pain, the underlying condition was not of such a nature or severity as to render you unfit for duty. The Board also concluded that the determination that you suffered from a condition, not a disability, interfering with your performance of duty, is not inconsistent with the finding that you were fit for duty. 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