



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX JRE

WASHINGTON DC 20370-5100 Docket No. 06393-10
18 April 2011



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 14 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.

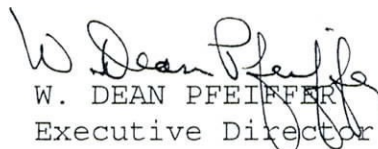
You enlisted in the Navy on 15 February 1984. You complained of bilateral knee pain on 27 February 1984, and reported a history of chondromalacia patellae. You were noted to have swollen ankles and an ulceration on the left lower extremity which you attributed to a pre-service moped injury. A medical board convened on 1 April 1984 and gave you a diagnosis of osteochondritis dissecans (OD), left knee, existed prior to enlistment, not service aggravated. The medical board determined that you did not meet the minimum physical standards for enlistment because of the OD, and recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. You were discharged in accordance with the approved findings and recommendation of the medical board on 25 April 1984. You were examined at a Veterans Administration medical facility on or about 13 September 1984 and

were noted to have an ulcer on your left lower extremity which you indicated had been present for one year. You indicated that you had sustained trauma to that extremity, as well knee pain and varicose veins, in a moped accident. On 26 October 1984, the VA awarded you disability ratings for service-aggravated OD, and for varicose veins.

The Board was not persuaded that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your brief period of naval service. It was clear to the Board that the disqualifying OD, as well as the condition which resulted in the development of varicose veins after you were discharged, existed prior to your enlistment and did not increase in severity beyond natural progression while you were on active 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