



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

Docket No: 2764-16

APR 06 2017

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO  
FORMER MBR [REDACTED], XXX-XX-[REDACTED] USMC

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to reflect a disability discharge in the line of duty.

2. The Board, consisting of [REDACTED], reviewed Petitioner's allegations of error and injustice on 16 March 2017 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies. The Board also considered the advisory opinion contained in Director, Secretary of the Navy Council of Review Board letter 5220 CORB: 002 of 23 February 2017.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner entered the Marine Corps Reserve in August 1995. He injured his left knee on 6 June 1998 when an equipment cart struck his knee. He was later diagnosed with Patellofemoral pain syndrome and recommended for administrative separation due to condition not a disability.

c. Petitioner was discharged for condition not a disability on 12 December 1999. However, on 12 December 2000, Commandant of the Marine Corps notified Petitioner that he was erroneously denied Line of Duty benefits for his injury.

d. On 26 June 2002, the Department of Veterans Affairs (VA) rated Petitioner's knee condition as 10% disabling.



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## CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action.

The Board concluded that Petitioner should have been referred to the disability evaluation system for a line of duty injury to his left knee. The Board substantially concurs with the opinion contained in Director, Secretary of the Navy Council of Review Board letter 5220 CORB: 002 of 23 February 2017 that Petitioner was unfit for continued naval service due to his knee condition and it was 10% disabling. Specifically, the Board found the 26 June 2002 VA rating of his knee condition at 10% and the medical finding of slight limited motion with pain at the very extreme of motion to be persuasive evidence that his left knee condition should be rated at 10%.

## RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

- a. Petitioner was unfit for continued naval service and discharged for Residual, Left knee injury, VASRD 5260, with a 10% disability rating effective 12 December 1999.
  - b. A copy of this Report of Proceedings will be filed in Petitioner's naval record.
4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

[REDACTED]  
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

[REDACTED]  
Executive Director