



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

[REDACTED]  
Docket No. 6489-17

FEB 05 2018

[REDACTED]  
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by the Board on 25 September 2014.

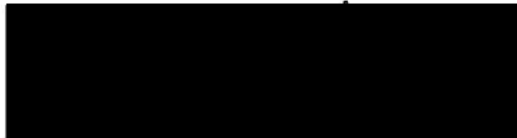
A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 January 2018. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative 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. However, after careful and conscientious consideration of the entire record, the Board determined that while your request does contain new information not previously considered by the Board, it does not warrant relief. Accordingly, your request has been denied.

The Board carefully considered your arguments that you suffered an injury to your left knee but were processed for a preexisting injury to your right knee. Unfortunately, the Board was unable to find sufficient evidence to grant relief in your case. The Board reviewed all the medical evidence in your military record and could find no references to an injury to your left knee. In each instance that you were treated in December 1993 and January 1994, it was recorded in your medical records that you were experiencing pain to your right knee. The civilian medical records you provided were previously considered by the Board and support the Navy's actions in your case since it shows that you possessed a preexisting injury to your right knee. The Board also noted that you were notified of administrative separation for erroneous enlistment based on your preexisting injury to your right knee and acknowledged your rights. This was additional evidence the Board found persuasive that showed you were properly processed for your right knee injury. Accordingly, the Board determined no error or injustice exists in your case.

It is regretted that the circumstances of your reconsideration petition are such that favorable action cannot be taken again. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In the absence of sufficient new and material evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director