



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

JRE
Docket No. 09198-02
28 April 2003

[REDACTED]

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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 April 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 you completed a Report of Medical History on 18 June 1975 in which you denied having a history of depression, excessive worry, and nervous trouble of any sort. There are three checkmarks in item 16 of that form, which pertains to a history of treatment for a mental disorder. It appears that the final mark, which indicates a positive history of mental health treatment, was added at some time after the form was reviewed by the physician who conducted the examination, as he did not comment on the entry, as he was required to do by governing directives. On 19 June 1975, you completed a NAVPERS Form 1130/2, Fraudulent Enlistment Warning, in which you specifically denied having a criminal history or

ever being under the care of a psychiatrist or psychologist. You enlisted in the Navy on 28 June 1975. The report of an aptitude board, dated 28 July 1975, indicates that you had a history of emotional instability, and that you quit school at age 17 because you "got into trouble, had to join the Navy". You reported that you were "always nervous", and would shake constantly and then become nauseated. The aptitude board concluded that you were "inadequate", and that your longstanding failure to respond effectively to various social, emotional and physical demands marked you as "unlikely to adapt successfully to the service." On 30 July 1975, you were discharged by reason of unsuitability pursuant to the approved findings and recommendation of the aptitude board. You completed one month and three days of active service.

The Board noted from records obtained from Department of Veterans Affairs (VA) that you received psychiatric care for a period of six months at age 10. According to your report, you underwent that treatment because you refused to attend parochial school, and you were "fine" after you changed schools. Other records obtained from the VA indicate that in addition to anxiety disorders, you suffer from a mixed personality disorder with passive aggressive and inadequate elements.

The Board was not persuaded that your anxiety disorder was incurred in or aggravated by your brief period of service in the Navy. As noted above, you concealed your history of psychiatric treatment when you applied for enlistment, which precluded recruiting officials from accurately assessing your suitability for military service. The Board was not inclined to accept your representations to the effect that the treatment you received at age 10 was unrelated to the anxiety symptoms you experienced in the Navy, or that you had not experienced similar anxiety symptoms before you enlisted. It noted that had you submitted records of your pre-service psychiatric treatment to recruiting officials, you may very well have been disqualified from enlisting. Although it was clear to the Board that you were unsuitable for military service, it was unable to conclude that you were unfit for duty by reason of physical disability at the time of your discharge.

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