



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

JRE

Docket No. 01985-06

24 July 2007

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

Subj: FORMER [REDACTED] REVIEW OF
NAVAL RECORD

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

Encl: (1) DD Form 149
(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 show that he was retired by reason of physical disability.
2. The Board, consisting of Messrs. W. [REDACTED] and [REDACTED] reviewed Petitioner's allegations of error and injustice on 19 July 2007, 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.
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 underwent a pre-separation physical examination on 30 October 2002, and was found physically qualified for separation notwithstanding his history of a depressive disorder and a paranoid personality. He stated that he was not depressed at that time. He underwent a pension and compensation examination under the auspices of the Department of Veterans Affairs (VA) on 15 November 2002, and was given a diagnosis of

schizophrenia. He was discharged from the Navy on 19 January 2003, and assigned a reentry code of RE-4 to indicate that he was not recommended for reenlistment. He completed 16 years, 1 month and 16 days of service. On 16 April 2003, the VA awarded him disability ratings of 70% for schizophrenia, paranoid type, and depressive disorder with anxiety, a 20% rating for mechanical back syndrome, 10% ratings for diabetes mellitus, hypertension, bilateral wrist and knee conditions, and 0% ratings for several other conditions. He was reevaluated by the VA on 23 September 2003 and found to be severely impaired. On 24 October 2003, the VA increased his rating for the mental disorder to 100% effective 20 January 2003. The diagnosis was changed to delusional disorder claimed as schizophrenia, paranoid type and depressive disorder with anxiety.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in view of the findings made by the Department of Veterans Affairs in this case, and resolving reasonable doubt in Petitioner's favor, the Board concludes that Petitioner was unfit for duty by reason of physical disability on 19 January 2003, because of the effects of a delusional disorder, and he should have been released from active duty and transferred to the Temporary Disability Retired List because of that condition, rather than discharged by reason of completion of required service. Accordingly, the Board finds the existence of an injustice warranting the following corrective action.

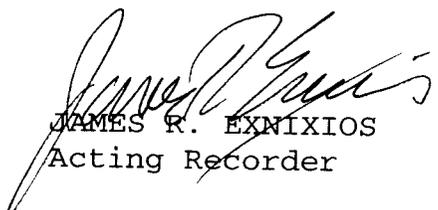
RECOMMENDATION:

- a. That Petitioner's naval record be corrected that he was not discharged from the Navy on 19 January 2003.
- b. That Petitioner's record be further corrected to show that he was released from active duty on 19 January 2003 and transferred to the Temporary Disability Retired list the following day pursuant to 10 U.S. Code 1202, with a disability rating of 30% under Department of Veterans Affairs code 9208 for a delusional disorder.
- c. That Petitioner be accorded a periodic physical examination as soon as is practicable. Current address:
- d. That so much of his request for correction of his naval record as exceed the foregoing be denied.

e. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

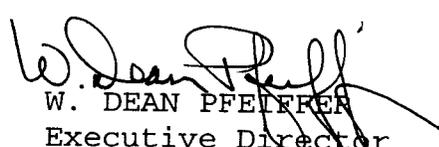
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



JAMES R. ENNIXIOS
Acting 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.



W. DEAN PFEIFFER
Executive Director