



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

JRE
Docket No. 04852-06
23 July 2007

Dear [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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2007. 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 enlisted in the Navy on 25 October 1999. It appears that your enlistment was fraudulent, in that you denied having a history of a suicide attempt when you underwent your pre-enlistment physical examination. You were honorably discharged on 16 April 2004 by reason of a personality disorder.

The Board rejected your unsubstantiated contention to the effect that you were unfit for duty by reason of physical disability on

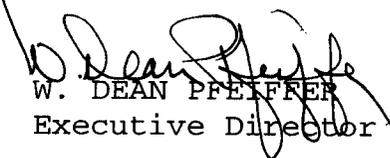
16 April 2004 because of the effects of a depressive disorder, and that you should have been retired by reason of physical disability rather than discharged administratively. The fact that the Department of Veterans Affairs awarded you service connection and a 30% disability rating for a depressive disorder is not probative of the existence of error or injustice in your Navy record, because the VA awards disability ratings without regard to the issue of fitness for military service. Unlike the VA, the military departments may assign disability ratings only in those cases where a service member has been found unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability.

The Board rejected your contention to the effect that you did not suffer from a personality disorder. It noted that when you were interviewed by a VA psychologist on 24 November 2004, you presented yourself in a much more favorable light than you had when you underwent psychological evaluation and testing prior to your discharge from the Navy. The Board considered it significant that the VA psychologist did not rule-out the existence of a personality disorder, as he gave you a diagnosis of "Diagnosis deferred", on Axis II, Personality Disorders, in the report of psychological evaluation and testing he prepared in your case.

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 PFEFFER
Executive Director