



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

JRE
Docket No. 05308-06
16 July 2007

[REDACTED]

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 12 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.

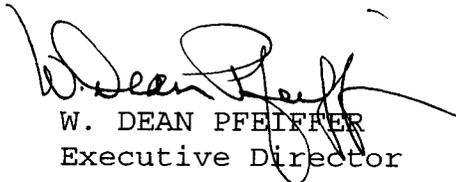
The Board found that you served on active duty in the Marine Corps from 21 June 1988 to 17 February 1989, when you were discharged by reason of hardship. On 20 July 1989, the Department of Veterans Affairs (VA) awarded you a 10% rating for major depressive disorder, and denied your request for service connection for three other conditions. Effective 22 January 1991, you were awarded a 60% rating for a seizure disorder that considered secondary to your use of an anti-depressant medication. The rating for the depressive disorder was increased

to 30% from 1 February 1992, and that for the seizure disorder was increased to 80% effective 15 December 1997.

The Board concluded that your receipt of disability ratings from the VA is not probative of the existence or error or injustice in your naval record. In this regard, it noted that the VA awarded those ratings without regard to the issue of your fitness for military duty in February 1989. In order to qualify for military disability benefits, a service member must be considered unfit for duty at the time of separation or retirement. Although you sought medical care on several occasions during your brief period of service, there is no indication in the available records that you were unfit to reasonably perform the duties of your office, grade, rank or rating by reason of physical disability that was incurred in or aggravated by your service. Accordingly, 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