



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

TRG
Docket No: 7623-06
28 January 2007

[REDACTED]

[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 23 January 2008. 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.

You enlisted in the Navy for four years on 2 September 1987 at age 18. During the period from 20 January 1989 to 15 August 1991, you received nonjudicial punishment (NJP) on two occasions. Your offenses were misappropriation of a watch and an absence from your appointed place of duty for six and one half hours. During the first NJP, you were reduced in rate from seaman apprentice (SA; E-2) to seaman recruit (SR; E-1). At the second NJP, you were reduced from petty officer third class (BM3; E-4) to seaman (BMSN; E-3). During the rest of your enlistment you served in a satisfactory manner. Later in August 1991, you completed a medical history form stating that you were in good health and not taking any medications. A subsequent medical examination found you physically qualified for separation. You were released from active duty on 30 August 1991. Subsequently, you were issued an honorable discharge certificate at the end of your military obligation.

With your application, you have submitted documentation showing that on 19 June 2006, the Department of Veterans Affairs (DVA) has rated you 100% disabled because of service connected paranoid schizophrenia.

You are requesting that you be reinstated to petty officer third

class essentially because you were in the beginning phase of your paranoid schizophrenia at that time and were unable to perform your duties which led to the absence from your appointed place of duty.

Regulations allow for NJP evidence to be destroyed after a period of two years. Therefore, the facts and circumstances which led to the NJP are unknown. The Board noted that there was no evidence of your schizophrenia during your separation physical. Although the DVA has diagnosed you with paranoid schizophrenia in 2006, there is nothing to connect that diagnosis to your condition 15 years earlier while you were in the Navy. The Board concluded that a correction to your record to show that you were not reduced in rate is not warranted.

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