



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

JRE
Docket No. 06553-07
17 June 2008



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 June 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.

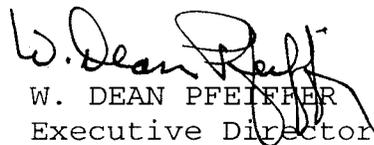
The Board found that you enlisted in the Navy on 16 November 2002. It appears that your enlistment was fraudulent, in that you concealed your extensive pre-service history of psychiatric illness and treatment in order to qualify for enlistment. You were discharged from the Navy on 5 December 2003 by reason of a personality disorder. On 21 March 2007, the Department of Veterans Affairs (VA) granted you service connection for schizoaffective disorder. The VA rating decision of that date provides, in part, that while your condition clearly began prior to your enlistment, there was no evidence "permitting an

evaluation of the level of disability prior to service", and, paradoxically and without foundation, that your mental disorder "was exacerbated during military service, worsening still more after the military".

The Board agrees with the VA finding that your mental disorder existed prior to your enlistment. The Board rejects the unsupported conclusion that the disorder increased in severity beyond natural progression during your service. In addition, the Board was not persuaded that you were unfit for duty by reason of physical disability on 5 December 2003, as opposed to being unsuitable for service because of the effects of your personality disorder. Furthermore, the Board concludes that you should not under any circumstances be permitted to benefit from your fraudulent enlistment. 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