



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

JRE  
Docket No. 09743-07  
25 November 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 14 November 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 8 May 2000. It appears that your enlistment was fraudulent, in that you concealed your disqualifying history of counseling and multiple suicide attempts when you applied for enlistment. You were discharged by reason of physical disability on 23 December 2002, without entitlement to disability benefits administered by the Department of the Navy, due to disability which existed prior to your enlistment and was not aggravated by your service.

The Board was not persuaded that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your period of naval service. In addition, it rejected your unsubstantiated contentions to the effect that your record contains false information concerning pre-service suicide attempts and counseling, that you were not depressed before you enlisted, and that you did not challenge the findings made in your case because you were under duress at that time. 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