



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

JRE  
Docket No. 10646-07  
2 October 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 2 October 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 25 October 2001. You underwent a pre-separation physical examination on 23 October 2006. You reported that you had been diagnosed with and treated for major depression, but that condition was not considered disqualifying by the physician who conducted the examination. You were honorably discharged on 31 October 2006 by reason of a personality disorder. On 1 June 2007, the Department of Veterans Affairs (VA) awarded you a 50% rating for

major depression, which was based in large part on the results of an examination conducted approximately seven months after you were discharged from the Navy. The VA denied your request for service connection for nine other conditions, to include the personality disorder, which the VA classifies as a developmental disorder rather than a disability.

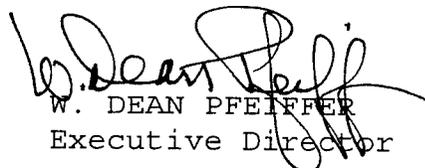
In order to qualify for disability separation or retirement from the Navy, a Sailor must be found unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability. The available records do not demonstrate that you were unfit for duty on 31 October 2006 because of the effects of major depression or any other ratable condition. Your personality disorder, although administratively unfitting, is not considered a disability under the laws administered by the Department of the Navy.

The fact that you received a substantial disability rating from the VA for depression is not probative of the existence of error or injustice in your naval record, because the VA assigned that rating without regard to the issue of your fitness for military duty on the date of your discharge.

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 PFEIFFER  
Executive Director