



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

JRE
Docket No. 11186-07
19 September 2008

[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 11 September 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.

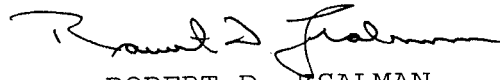
The Board found that you served in the Navy from 26 March to 30 August 2002, when you were discharged by reason of a personality disorder, with an uncharacterized entry level separation. You completed 5 months and 5 days of active service. On 25 May 2007, the Department of Veterans Affairs (VA) awarded you service connection and a 60% rating for Asperger's disorder. The VA rating official who assigned that rating concluded that the disorder was not disabling prior to your enlistment, and that it was permanently aggravated by your service. As the disorder is not listed in the VA Schedule for Rating Disabilities, he rated it by analogy to an organic mental

disorder. The bases for his findings are not shown in the available records.

The Board was not persuaded that your mental disorder was misdiagnosed as a personality disorder, or that you were unfit for further service by reason of physical disability. In this regard, the Board noted that you submitted no material evidence in support of your request other than the unsubstantiated conclusions of a VA rating official. The Board noted that Asperger's disorder is listed in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition*, as a disorder usually first diagnosed in infancy, childhood, or adolescence, and it is classified as pervasive developmental disorder. As other developmental disorders, such as stuttering and personality, learning and attention deficit/hyperactivity disorders, are not considered disabilities under the laws administered by the military departments, it is unlikely that Asperger's disorder would be considered a ratable disability in any event. In addition, it was unclear to the Board how such a pervasive developmental disorder could be aggravated beyond natural progression by incidents of military 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,



ROBERT D. ZSALMAN
Acting Executive Director