



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

JRE  
Docket No. 11251-07  
26 September 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 25 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.

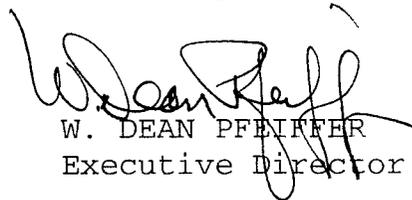
The Board found that you enlisted in the Navy on 1 June 1992. It appears that your enlistment was fraudulent, in that you procured it by failing to disclose your history of depression and suicide attempts, to include an attempted hanging. On 16 April 1996, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty because of major depression, which it rated at 30% less a 10% existed prior to entry (EPTE) factor, for a final rating of 20%. You accepted those findings on 8 May 1996, and were discharged with entitlement to disability severance pay on 21 June 1996.

Effective 22 June 1996, the Department of Veterans Affairs (VA) awarded you a rating of 10% for the depressive disorder.

Your belief that the PEB determined that your mental disorder was not aggravated by your service is erroneous. As indicated above, you were given a final rating of 20% for an EPTE condition that was aggravated by your service in the Navy. In the absence of evidence which demonstrates that your final disability rating of 20% was erroneous or unjust, there is no basis for recommending any corrective action in your case. 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