



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

JRE  
Docket No. 02744-08  
12 January 2009



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 8 January 2009. 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 10 December 2002 to 3 August 2007, when you were discharged for the convenience of the Government by reason of a personality disorder. On 5 March 2008, the Department of Veterans Affairs (VA) awarded you disability ratings of 10% for an adjustment disorder with depressed mood and 0% for three orthopedic conditions. The VA denied your request for service connection for nine other conditions.

In order to be separated or retired by reason of physical disability, a service member must be found unfit to reasonably

perform the duties of his or her office, grade, rank or rating by reason of physical disability. Although a personality disorder may render a Sailor administratively unfit for service, as in your case, it is not considered a disability under the laws administered by the military departments. In addition, an adjustment disorder was not considered to be a ratable condition.

In view of the foregoing, and as you have not demonstrated that you were unfit for duty by reason of physical disability at the time of your discharge, the Board was unable to recommend 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.

If you believe that the basis for your discharge should be changed from a personality disorder to a basis other than physical disability, you should apply to the Naval Discharge Review Board by submitting the enclosed DD Form 293 to that board.

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

