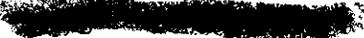




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 03293-08
10 June 2009



Dear 

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, in which you requested that the diagnosis of your disability be changed from "schizophrenia" to "PTSD".

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 June 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. In this regard, the Board found that you were retired by reason of physical disability in 1970 because of a duodenal ulcer and psychophysiologic gastrointestinal disorder, which were rated under Veterans Administration (VA) code 9502. Due to administrative error, the order which directed your retirement listed VA code 9205, which pertains to schizophrenia. Effective 1 October 1970, the VA rated your

condition under VA code 9400, as anxiety with associated duodenal ulcer. Effective 4 October 1996, the VA rated your condition as posttraumatic stress disorder under VA code 9411.

The Board concluded that you failed to demonstrate that the condition which resulted in your retirement was misdiagnosed in 1970 as a psychophysiologic gastrointestinal disorder, rather than posttraumatic stress disorder. In addition, it noted that the diagnosis of posttraumatic stress disorder had not as yet been established by the American Psychiatric Association and it was not listed in the VA rating schedule until many years later. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The President, Physical Evaluation Board will be requested to administratively correct your record to show that you were retired with a disability rating under VA code 9502 vice 9205.

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