



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

JRE
Docket No. 03779-08
19 March 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 5 March 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. The Board was unable to obtain your naval health record from its custodian, the Department of Veterans Affairs.

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 28 December 1987. On 8 August 1989, a medical board gave you a diagnosis of posttraumatic stress disorder, which existed prior to your enlistment and was not aggravated by your naval service. The medical board recommended that you be discharged without entitlement to disability benefits administered by the Department of the Navy. On 31 August 1989 you certified that the findings and recommendation of the medical board had been

explained to you, that you had been advised that you were entitled to a hearing before the Physical Evaluation Board if you demanded one, and that unless you demanded a hearing you would be discharged from the Navy without entitlement to disability compensation. You also certified that you had voluntarily waived your right to a hearing before a PEB, and requested that you be administratively discharged as soon possible. You were discharged pursuant to your request and the approved recommendation of the medical board On 27 September 1989.

The Board was not persuaded that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your period of naval service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for correction of your record to show your present name as that is an administrative matter within the purview of the National Personnel Records Center, which has custody of your military personnel file.

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