



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

JRE  
Docket No. 07355-08  
19 May 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, in which you requested that you be separated or retired by reason of physical disability due to "Schizophrenia or Bipolar".

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 May 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.

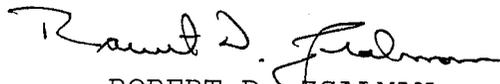
The Board found that you initially enlisted in the Navy on 19 May 1982. You were honorably discharged on 5 August 1985, and reenlisted the following day. You underwent a pre-separation physical examination on 6 December 1988 and were found physically qualified for duty and administrative separation. You did not report any conditions or defects which you believed were disqualifying for further service, despite being advised of your right to do so, and the physician who examined you did not record any on the report of examination. You were discharged by reason of misconduct/commission of a serious offense on 30

December 1988, with a discharge under other than honorable conditions.

In order to be separated or retired by reason of physical disability, a service member must be unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability. There is no indication in your naval record that you were unfit for duty at the time of your discharge, or that you suffered from schizophrenia and/or a bipolar disorder. You would not have been entitled to disability separation or retirement in any event, because your discharge by reason of misconduct would have taken precedence over disability evaluation processing. 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