



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

JRE
Docket No. 07559-08
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 11 September 1985. It appears that your enlistment was fraudulent, in that you concealed your history of a lengthy period of unconsciousness and several weeks of hospitalization for a severe head injury, as well as your history psychiatric hospitalization for a period of about six months for treatment of anxiety and behavioral problems thought to be related to the head injury. Although you disclosed a history of a head injury in the Report of Medical History you completed on 25 June 1985, you stated that you were unconscious for a relative short period, that you did not require hospitalization, and that there

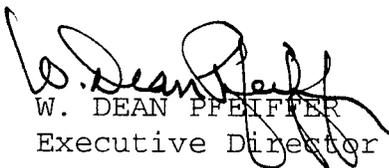
had not been any complications of the injury. In addition, you denied having a history of depression or excessive worry, loss of memory or amnesia, and nervous trouble of any sort. You were discharged from the Navy on 16 March 1987 by reason of a personality disorder.

In a letter dated 29 November 1999, a psychiatrist with a Louisiana State University student health center stated that you had an organic mental disorder with depression and a personality disorder, both secondary to a severe head injury you suffered as a teenager. On 14 September 2006, the Department of Veterans Affairs granted your service connection and a disability rating of 50% for major depressive disorder and mild dementia with cognitive deficits secondary to traumatic brain injury that were aggravated by your naval service. The award was based on the determination that your condition became worse during your period of service.

In order to qualify for disability separation or retirement from the Navy for a condition that existed prior to enlistment, there must be an increase in the severity of the condition during a period of service that is beyond the natural progression of the underlying disease process. The Board was not persuaded that such aggravation occurred in your case. It was unable to conclude that you were unfit for duty by reason of physical disability that was incurred in or aggravated by your service, or that you were improperly discharged by reason of a personality disorder. 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 PFENFFER
Executive Director