



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

JRE
Docket No. 00734-08
4 November 2008

[REDACTED]

[REDACTED]

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 16 October 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.


On 6 April 2007, the Physical Evaluation Board (PEB) reviewed your case and found you unfit for duty by reason of physical disability because of enuresis with dysfunctional voiding, which it rated at 20% disabling. The PEB also determined that you suffered from a number of category III conditions that were not separately unfitting and did not contribute to the unfitting condition, to include panic disorder, infertility, a dry eye condition, polycystic ovary disease, and obsessive compulsive disorder which existed prior to your enlistment. You were

discharged by reason of physical disability on 30 May 2007, with entitlement to severance pay, in accordance with the approved findings of the PEB. Effective 31 May 2007, the Department of Veterans Affairs (VA) granted you a 30% disability rating for an adjustment disorder, and 0% ratings for polycystic ovarian syndrome and residuals of Stevens-Johnson syndrome. The VA denied your request for service connection for the voiding disorder, as that condition no longer existed.

Your receipt of a 30% rating from the VA for an adjustment disorder is not probative of the existence of error or injustice in your naval record. In this regard the Board noted that under the laws administered by the military departments at the time of your discharge, an adjustment disorder was not considered to be a disability. In addition, you have not demonstrated that you suffered from an unfitting mental disorder while on active duty in the Navy. Accordingly, and as you have not demonstrated that you should have received disability ratings for one or more of the category III conditions considered by the PEB, 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 PFEIFFER
Executive Director