



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

JRE  
Docket No. 00140-09  
18 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.

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 enlisted in the Marine Corps on 27 November 2006. You were hospitalized on 11 September 2007 after you expressed suicidal thoughts. You were thought to be suffering from anxiety and major depression at that time, and were prescribed Zoloft, which is used for the treatment of depression and certain anxiety conditions. On 3 October 2007, the 2d Marine Division psychiatrist gave you a diagnosis of a personality disorder and recommended that you be administratively separated from the Marine Corps because of that condition.

After being advised of your rights in connection with the proposed separation, you declined to consult with counsel or to submit statements in rebuttal. In a letter dated 16 January 2008, your battalion commander stated that he had personally interviewed you, and that you had expressed a strong desire to be separated from the Marine Corps. You were discharged by reason of a personality disorder on 8 February 2008, with a general discharge. You were assigned a reentry code of RE-3P.

On 19 May 2008, the Department of Veterans Affairs (VA) denied your request for entitlement to vocational rehabilitation. You underwent a psychiatric evaluation at a VA facility on 9 July 2008. The psychiatrist who conducted the evaluation found no evidence of a psychiatric disorder, and made no diagnoses on Axis I, clinical disorders, or Axis II, personality disorders. On 23 September 2008, the VA denied your requests for a "nonservice-connected pension" and service connection for a personality disorder.

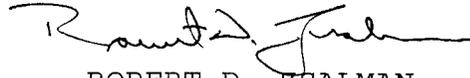
The Board concluded that the findings made by the VA psychiatrist in your case on 9 July 2008 are insufficient to demonstrate that the diagnosis of a personality disorder made by the division psychiatrist is erroneous or unjust. In addition, the Board concluded that in view of your suicidal ideation and symptoms of anxiety and depression, you should not be permitted to reenlist without first obtaining a waiver of physical disqualification. Accordingly, and as RE-3P is the most favorable reentry code that may be assigned to a Marine discharged by reason of a personality disorder, 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 upgrade of your discharge and modification of the narrative reason for your separation, as you failed to exhaust an available administrative remedy by applying to the Naval Discharge Review Board for that relief. A DD Form 293, Request for Review of Discharge or Dismissal from the Armed Forces, is enclosed. You may reapply to this Board after the NDRB has acted on your 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,

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán", written in a cursive style.

ROBERT D. ZSALMAN  
Acting Executive Director