



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

JRE
Docket No. 00308-09
30 March 2010

[REDACTED]

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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 March 2010. 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. In addition, the Board considered an advisory letter from the Commandant of the Marine Corps dated 22 December 2008, a copy of which is enclosed.

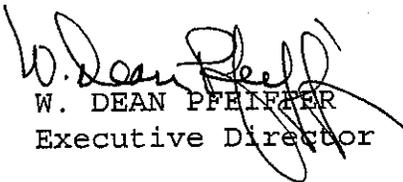
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory letter.

The fact that you were not diagnosed as suffering from a personality disorder before you enlisted in the Marine Corps does not demonstrate that you did not suffer from such a disorder prior to enlisting. Your receipt of disability compensation from the Department of Veterans Affairs (VA) is not probative of the existence of error or injustice in your naval record, because the VA awarded you disability compensation without regard to the issue of your fitness for military duty on the date of your discharge. As you have not demonstrated that

you were unfit for duty due to the effects of a depressive disorder that was incurred in or aggravated by your service, rather than unsuitable for service because of a personality disorder, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. 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 PFEIFFER
Executive Director

Enclosure