



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

JRE

Docket No. 04352-09
29 January 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 22 January 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 the enclosed advisory opinion furnished by the Secretary of the Navy Council of Review Boards.

After careful and conscientious consideration of the entire record, and notwithstanding the comments contained in the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this regard, the Board found that your enlistment was fraudulent in that you concealed your disqualifying history of psychiatric treatment and drug and alcohol use in order to procure it. The Board concluded that it would not be in the interest of justice to recommend any corrective action that would, in effect, permit you to benefit from your fraud. In addition, in the absence of records of the psychiatric evaluation and treatment you underwent prior to enlisting, the increase in severity of your disability, if any, that occurred during your period of naval

service cannot be accurately assessed. 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