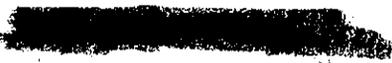




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No. 06493-09  
5 April 2010



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 1 April 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.

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.

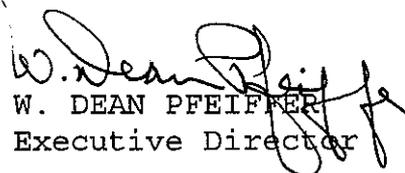
You enlisted in the Navy on 6 February 1969. You underwent psychiatric evaluation on 23 June 1970 due to your complaints of agitation, anxiety, restlessness, insomnia, weight gain, crying spells and depression, which you attributed to being separated from your wife and home. You indicated that you would probably absent yourself without authority at the time your battalion was scheduled to deploy. The psychiatrist who examined you noted you were accepted for enlistment despite mentioning numerous psychiatric symptoms on your enlistment physical. He gave you a diagnosis of passive-dependent personality, and recommended that you be administratively discharged by reason of unsuitability due to a character or behavior disorder. You underwent a pre-

separation physical examination on 13 August 1970 and were found qualified for separation. You were discharged by reason of unsuitability on 14 August 1970. On 26 June 2007, the Department of Veterans Affairs (VA) granted your request for service connection for generalized anxiety disorder which existed prior to your enlistment and was aggravated by your service, and assigned a disability rating of 70 percent effective 25 July 2006.

Your receipt of disability compensation from the VA more than twenty-five years after you were discharged from the Navy is not probative of the existence of error or injustice in your naval record because the VA made that award without regard to the issue of your fitness for military duty at the time of your discharge. As you have not demonstrated that you were unfit for duty by reason of physical disability on 14 August 1970, rather than unsuitable for service due to a personality disorder, there is no basis for recommending corrective action in your case. 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