



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

JRE
Docket No. 10031-09
16 July 2010

[REDACTED]

Dear [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 9 July 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 advisory opinion furnished by members of the staff of the Behavioral Healthcare Clinic, National Naval Medical Center dated 29 June 2010, a copy of which is attached.

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 opinion concerning the accuracy of the diagnosis of an adjustment disorder that was made in your case by Doctor S... on 4 March 2003. The Board was not persuaded, however, that your diagnoses of major depressive disorder, single episode, and anxiety disorder not otherwise specified, rendered you unfit for further service by reason of physical disability at the time of your discharge. In this regard, the Board noted that it is not uncommon for a service member who suffers from a depressive and/or anxiety disorder to be considered fit for duty, yet be found administratively unsuitable for service due to the effects of an adjustment disorder,

as occurred in your case. The fact that the Department of Veterans Affairs awarded you a 0% rating for an adjustment disorder, and did not rate the anxiety and depressive disorders, supports the conclusion that you were not unfit for service 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