



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

JRE
Docket No. 13150-09
1 October 2010

[REDACTED]

[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 2 September 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.

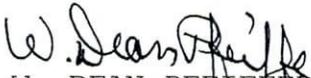
You served on active duty in the Navy from 1 July 1992 to 18 November 1994, when you were discharged for the convenience of the government by reason of a personality disorder that rendered you administratively unsuitable for naval service. On 25 September 1995, the Department of Veterans Affairs (VA) awarded you a disability rating of 10% for a depressive disorder.

The available records do not demonstrate that you were unfit for duty by reason of physical disability on 18 November 1994, or that your unsuitability was related to a depressive disorder rather than a personality disorder. Your receipt of a disability rating from the VA is not probative of the existence of error or injustice in our naval record, because the VA assigned that rating without regard to

the issue of your fitness for military duty on the date of your discharge from the Navy. 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