



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX JRE

WASHINGTON DC 20370-5100

Docket No. 485-10
12 November 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 4 November 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.

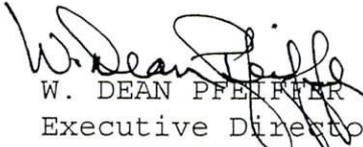
You enlisted in the Marine Corps on 12 February 2001. On 21 October 2001 you were given diagnoses of acute stress reaction secondary to the attack on the Pentagon on 11 September 2001, and posttraumatic stress disorder secondary to being sexually assaulted. You were hospitalized in a psychiatric ward at Walter Reed Army Medical Center from 22 to 25 February 2002 for evaluation of suicide potential. Upon your release from Walter Reed you were given diagnoses of adjustment disorder with mixed emotions and conduct, and personality disorder, not otherwise specialized, and recommended for administrative discharge on the basis of the latter diagnosis. You underwent a pre-separation physical examination on 19 March 2002, and were found qualified for separation. On 17 April 2002, you were discharged for the convenience of the government by reason of a personality disorder. You submitted a disability claim to the

Department of Veterans Affairs (VA) on 27 July 2007, and were granted a disability rating of 70% for posttraumatic stress disorder with alcohol and substance abuse on 25 November 2008.

Your receipt of a substantial disability rating from the VA effective more than five years after you were discharged from the Marine Corps is not probative of the existence of error or injustice in your naval record. The VA made that award based on your condition in 2007 and 2008, without regard to the issue of your fitness for military duty in 2002. As you have not demonstrated that you were unfit for duty by reason of physical disability on 17 April 2002, vice unsuitable for service due to a personality disorder, the Board was unable to recommend any 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