



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

JRE
Docket No. 03004-10
9 June 2011

[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 June 2011. 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.

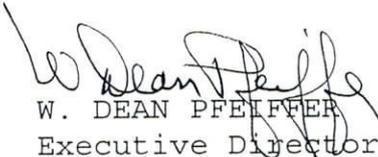
You reenlisted in the Navy on 6 March 1998 with more than eight years of prior active service. You underwent a pre-separation physical examination on 13 May 2000 and were found qualified for separation notwithstanding your diagnoses of elevated serum cholesterol, defective visual acuity and adjustment disorder with depressed mood. You were dishonorably discharged from the Navy on 13 September 2004 upon completion of the appellate review of your conviction by general court-martial; unfortunately, the facts and circumstances of your conviction were not available to the Board. On 13 April 2010 the

Department of Veterans Affairs (VA) determined that your dishonorable discharge was a statutory bar to VA benefit entitlement.

The Board was not persuaded that you were unfit for duty by reason of physical disability at the time of your discharge, or that the offenses which resulted in your discharge were caused by or related to the effects of undiagnosed posttraumatic stress disorder. The Board noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty because your punitive separation would have taken precedence over disability evaluation processing. 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