



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

JRE
Docket No. 07740-10
19 May 2011



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 19 May 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.

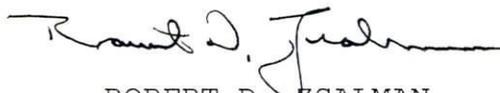
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Navy from 20 November 2002 to 21 May 2003, when you were discharged by reason of erroneous entry based on your history of disqualifying mental disorders which you concealed when you applied for enlistment. The Department of Veterans Affairs (VA) initially denied your claim for disability benefits for those conditions, but subsequently granted your request because you had passed your pre-enlistment physical examination. The VA acted without regard to the fraudulent nature of your enlistment or the fact that the physician who conducted your pre-enlistment physical examination was wrongfully deprived of material evidence that would have affected his determination of your qualification for enlistment. Accordingly, and as you have not demonstrated that you were unfit for duty by reason of physical

disability that was incurred in or aggravated by your brief period of naval service, 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director