



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No. 6012-21
Ref: Signature Date

█
█
█

Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 4 November 2021. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

A review of your record shows that you entered active duty with the Navy in August 1989 after being medically cleared for entry in January 1989. On 28 January 1991, you were hospitalized and diagnosed with Schizophrenia, Paranoid Type. Subsequently, a medical board confirmed your diagnosis on 5 February 1991 and concluded your condition preexisted your entry into the Navy based on medical history that documented you were suffering from mental health symptoms two years prior to entering the Navy. As a result, you were discharged on 8 March 1991 for a preexisting disability condition after you waived your right to the Physical Evaluation Board review. You provided evidence that you continue to suffer from Paranoid Schizophrenia post-discharge and are currently deemed disabled by the Social Security Administration.


The Board carefully considered your arguments that you should be placed on the disability retirement list. You argue that you were not symptomatic prior to your entry onto active duty and your condition was aggravated by your period of active duty. You also argue that you have suffered substantial prejudice as a result of the Navy's determination. Unfortunately, the Board disagreed with your rationale for relief.

In reviewing the evidence, the Board concluded the preponderance of the evidence supports the findings of the medical board in your case. Despite your arguments that you were not symptomatic for Schizophrenia prior to your entry into the Navy, the Board determined this assertion is not supported by the evidence. The medical board report documents that you were symptomatic four years prior to the medical board, meaning you were suffering from symptoms of Schizophrenia at least two years prior to your entry into the Navy. In the Board's opinion, this was strong evidence to support the medical board finding that your condition existed prior to your entry into the Navy. Further, the Board concluded your condition was not aggravated by your active duty service since there was insufficient evidence to conclude your Schizophrenia progressed beyond the normal progression of the condition. Finally, the fact you were negatively impacted and stigmatized by the Navy's decision to discharge you for your preexisting condition did not sway the Board to grant you the relief you seek. In the Board opinion, your failure to disclose your mental health history on your entrance physical offset any mitigation created by your claims of injustice. The Board felt your failure to accurately disclose your mental health history allowed you, at a minimum, to be erroneously enlisted. Therefore, they concluded you should not benefit in any way from your omission and determined no injustice exists in your case. In making these findings, the Board considered your post-discharge medical history including your current disability status. However, this evidence was not persuasive since it was not probative on the issue of whether your condition preexisted your entry into the Navy. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

11/8/2021

A large black rectangular redaction box covering the signature of the Deputy Director.

Deputy Director

A black rectangular redaction box covering the name of the Deputy Director.