



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

JRE
Docket No: 6155-00
5 September 2001



Dear [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 30 August 2001. 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 1 May 1975 to 19 October 1976, when you were discharged by reason of misconduct, based on multiple violations of the Uniform Code of Military Justice. You were issued a general discharge. You underwent a pre-enlistment physical examination on 9 December 1978, and completed a Standard Form (SF) 93, Report of Medical History, in which you denied a history of psychiatric complaints or treatment, such as frequent trouble sleeping, depression of excessive worry, loss of memory or amnesia, and nervous trouble of any sort. You were found fit for enlistment, and enlisted in the Army on 8 December 1978. It appears that your enlistment was fraudulent, in that you did not disclose your prior Navy service as required on the SF 93. You underwent a "Chapter 14" (misconduct) pre-separation physical examination on 17 July 1979, and once again denied a history of psychiatric complaints or treatment. You were discharged under other than honorable conditions on 24 August 1979. On 18 September 1995, you authorized the National Personnel Records Center (NPRC) to release certain psychiatric records to the U.S. Probation Office, as part of a pre-sentence investigation. The apparent purpose of the request was to obtain records to substantiate your claim that you were suffering from post

traumatic stress disorder stemming from "witness of murder of Philippine national". It does not appear that any such records were located at the NPRC. On 1 July 1998, the Department of Veterans Affairs (VA) awarded you service connection for major depression with panic disorder and agoraphobia, with a 100% rating effective from 26 March 1992. The rating was based on the rating officials' acceptance of your assertion that you that your psychiatric illness began during your enlistment in the Navy, and that you had been chronically depressed since that time. It does not appear that you disclosed your Army service or alleged murder-related post traumatic stress disorder to the VA rating officials.

The Board was not persuaded that the misconduct which resulted in your discharge from the Navy was caused by or related to undiagnosed mental disorder, that your misconduct was significantly extenuated or mitigated by your mental state, or that you were unfit for service by reason of physical disability when discharged from the Navy in 1976. 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