



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

JRE  
Docket No: 1170-01  
24 May 2002



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 1 May 2002. 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 16 July 1977 to 23 July 1980, when you were discharged by reason of physical disability due to a drug induced psychosis, which was incurred as a result of your own misconduct. Available records indicate that after the resolution of your psychosis during July 1980, you admitted to a long history of abusing alcohol and illegal drugs, to include marijuana, LSD and PCP, and stated that you had taken four "hits" of LSD four days prior to your hospitalization. The Board noted that you were hospitalized at a Veterans Administration (VA) facility from 29 July to 13 August 1980, and that on 19 January 1981, the Veterans Administration (VA) denied your request for service connection for an acute toxic psychosis. You apparently did not suffer from significant symptoms of a mental disorder for years thereafter. On 24 August 1999, the VA awarded you service connection and a 100% rating for bipolar affective disorder, effective from 12 January 1996, based, in large part, on your denial of a history of drug abuse, the fact that you had a negative drug screen during your initial hospitalization at a VA facility in 1980, and that the symptoms you displayed in 1996 were similar to those you had in 1980.

The Board was not persuaded that the diagnosis made in your case by Navy physicians in 1980 was erroneous or unjust. In this regard, it notes that you had a clear history of drug abuse, and a specific instance of drug abuse which induced a psychotic reaction. The fact that you had a negative drug screen at a VA facility may be attributable to your lack of access to illegal drugs at the time, or to your decision to eschew their use. In addition, the Board noted that your psychotic symptoms had cleared, and you apparently remained free of symptoms of a major mental disorder for many years thereafter.

In view of the foregoing, 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