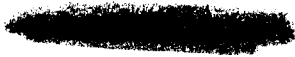




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 3096-02
14 November 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 18 October 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 were evaluated by a medical board on 25 November 1998, and given a diagnosis of major depressive disorder, single episode, moderately severe. On 4 February 1999, the Physical Evaluation Board (PEB) made preliminary findings that you were unfit for duty because of the depressive disorder, which it rated at 10% disabling. You accepted those findings on 18 February 1999, and were discharged with entitlement to disability severance pay on 15 April 1999. On 21 August 2000, the Department of Veterans Affairs (VA) awarded you a 30% rating for depression, and 10% for sinusitis, effective from 16 April 1999.

The Board noted that the disability rating you were assigned by the VA for your mental disorder was effective the day following your discharge, it was based on the results of an examination conducted several months later. In addition, although the VA and Navy employ the same rating schedule, with modifications, each agency assigns ratings independently of the other. The Board was not persuaded that the rating you were assigned by the PEB, and you accepted, was erroneous. 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