



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

JRE
Docket No. 08506-06
19 February 2008



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 14 February 2008. 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.

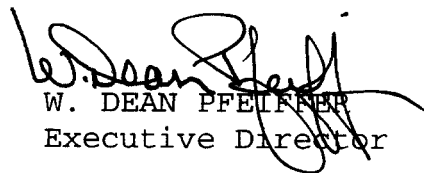
The Board found that you enlisted in the Marine Corps on 28 August 1996. You underwent psychiatric evaluation on 7 December 1998, and were given diagnoses of adjustment disorder with depressed mood, rule-out substance induced mental disorder; alcohol abuse, rule-out alcohol dependence; occupational problem; and partner relational problem. You were not considered to be mentally ill, and did not have any psychiatric diagnoses that would result in your referral to a medical or physical evaluation board. Upon completion of the evaluation, you were returned to full duty. You were released from active

duty on 27 August 2000, upon the completion of your active duty service obligation. On 17 September 2002, the Department of Veterans Affairs (VA) granted you service connection for dysthymic disorder because "you were diagnosed and treated for adjustment disorder in service in December 1999, an VA examination show you with a current diagnosis of dysthymic disorder, with anxiety, psychotic features."

It appears that the VA granted you service connection for a mental disorder because VA rating officials felt that the dysthymic disorder which was diagnosed in 2002 was related to the previously diagnosed adjustment disorder, which is not considered to be a disability under the laws administered by the military departments. As the available records do not demonstrate that you suffered from an unfitting mental disorder when released from active duty in August 2000, there is no basis for granting your request for corrective action. 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