



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

JRE
Docket No: 3165-01
3 July 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 21 June 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. In addition, it considered the comments of your counsel.

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 underwent a pre-enlistment physical examination on 28 May 1999. You did not disclose any significant medical history in the Standard Form 93, Report of Medical History, you completed on that date. You specifically denied a history of suicide attempt, alcohol abuse, depression or excessive worry, and nervous trouble of any sort. You enlisted on 22 June 1999. It appears that your enlistment was fraudulent, because after you enlisted you disclosed significant evidence of pre-service psychopathology, such as an attempted suicide at age 12; abuse of alcohol beginning at age 14; and auditory hallucinations beginning at age 17. You were discharged by reason of physical disability on 15 January 2001, without entitlement to disability benefits administered by the Department of the Navy. Although you were diagnosed a suffering from several mental disorder at that time, the only condition considered disabling was a psychotic disorder, not otherwise specified, which the Physical Evaluation Board (PEB) determined existed prior to service (EPTS), and was not service aggravated. You apparently agreed with that determination, as you accepted the findings of the PEB.

The fact that you were found fit for enlistment, that you did not seek treatment for a mental disorder for almost seven months after you enlisted, and that you suffered from mental disorders other than the psychotic disorder were not considered probative of the existence of error or injustice in your record. The Board noted that psychiatric diagnoses are generally based on information disclosed by the person being evaluated. With the possible exception of those cases where a florid psychosis is present, it is very unlikely that a physician conducting a pre-enlistment physical examination will diagnose a significant psychiatric disorder when the person being evaluated denies a history of psychiatric symptoms. Had you disclosed your pre-service history of suicide attempt, alcohol abuse, and auditory hallucinations, you would have been referred for psychiatric evaluation, and most likely been disqualified from enlisting. As you have not proved that your psychotic disorder was improperly classified as EPTS, that it was aggravated beyond natural progression during your enlistment, or that you suffered from another condition which rendered you unfit for duty, and was incurred in or aggravated by your brief period of military service, the Board was unable to recommend any corrective action in your case. 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