



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

JRE  
Docket No: 7101-00  
19 June 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 7 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, the Board considered the advisory opinion furnished by designees of the Specialty Leader for Psychiatry dated 26 January 2001, a copy of which is attached, and your rebuttal thereto.

After careful consideration of your application, the Board concluded that your application was not timely filed, and that it would not be in the interest of justice to excuse your failure to submit your application in a timely manner. It concluded that you were aware of the alleged error or injustice in your record when you were discharged by reason of a personality disorder on 14 September 1990. The Board also concluded that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, it substantially concurred with the comments contained in the advisory opinion.

The Board noted that your enlistment in the Navy was fraudulent, in that you concealed significant aspects of your prior Army service when you applied for enlistment in the Navy. You completed a DD Form 1966/4 on or about 30 August 1988, in which you stated that "...After about two months in training my knee was hurt and they were going to start me over or I could get out of the Army on 17 August 1987 was seperated [sic] from the Army." On 19 September 1988 you completed a Standard Form 93, Report of Medical History, as part of your pre-enlistment physical examination. You denied a history of attempted suicide, nervous trouble of any sort, depression or excessive worry, trouble sleeping, treatment for a mental disorder, and being a patient in any type of hospital. Your

Army records present a very different picture. They indicate that you served in the Army from 1 July to 17 August 1987, when you were discharged for unsatisfactory entry level performance and conduct. You were hospitalized at an Army community hospital at Ft. Leonard Wood, Missouri, for psychiatric observation during the 25 July-4 August 1987 period following a self-reported suicide attempt. You claimed to be increasingly depressed and unable to handle the stress of training, as well as having difficulty sleeping. You disclosed that you had "been seen", presumably for psychiatric treatment, when you were 16 years of age because of threats of suicide, and that you refused to be seen as an outpatient for follow-up treatment. You were released from the Army hospital after several days, but almost immediately thereafter took, or possibly pretended to take, an overdose of medication, which resulted in emergency medical treatment and re-admission to the hospital for further observation. In the opinion of the psychiatrist who examined you prior to your final release from the Army hospital, you were not suicidal, but were merely being manipulative. Your behavior was described as passive-aggressive. You were given a diagnosis of "Occupational problem". In addition to the foregoing, the Board noted you apparently attempted to conceal your Army medical history from the Board, as you failed to list your Army service on the Board's supplemental information sheet you completed on 15 October 2000.

The Board concluded that exact nature of your mental disorder, if any, cannot be determined with certainty. It noted that diagnoses of mental disorders are based, in large part, on information disclosed by the person being evaluated. Given your history of manipulative behavior, and your failing to disclose and/or lying about pertinent mental health history in order to procure enlistments in the Army and the Navy, the Board was unable to accept your representations concerning your symptoms and mental health history as true. It concluded that any diagnosis based on your representations is suspect. The Board further concluded that irrespective of the diagnosis applied to your mental disorder, it is unlikely to have been incurred when you were entitled to basic pay and rendered you unfit for duty prior to your discharge, which are pre-requisites to disability separation or retirement from the Armed Forces. The Board also noted that the VA psychiatrist who was instrumental in your receiving disability benefits from the VA for your putative mental disorder, indicated on 29 October 1997 that the disorder was "a progression of his service-connected [sic] personality disorder." As you know, the personality disorder was not "service connected", as that term is used by the VA. It is notable that during the course of the evaluation conducted by that psychiatrist, you did not disclose your period of Army service, and denied "...inpatient psychiatric care or any prior history of suicide attempt."

The Board was not persuaded that conditions of your skin or back rendered you unfit for duty at the time of your separation from the Navy, or that the conditions should have been evaluated by a medical board prior to your separation.

The Board noted that the VA is permitted to rate any condition which was incurred in, aggravated by, or, as in your case, merely traceable to a period of military service, without regard to the issue of fitness for military service at the time of separation from the service.

In addition, the VA may raise or lower disability ratings throughout a veteran's life time, as the severity of the condition changes, and it may add new or derivative diagnoses and grant service connection at any time. Unlike the VA, the military departments may rate only those conditions which render a service member unfit for duty at the time of separation or permanent retirement. Disability ratings may not be raised, lowered or otherwise amended thereafter, absent evidence of material error or injustice, and action by the Board.

The Board was not persuaded that the administrative discharge processing which took place during your second enlistment resulted in material error or injustice. Although you indicated that you wanted to submit a statement in your own behalf, and may not have been given the opportunity to do so, or perhaps opted not to do so, your statement is not extant. You have not demonstrated that you would have been retained on active duty had the statement been submitted to, and considered by, the discharge authority, or that you would have been referred for disability evaluation processing in lieu of administrative separation because of a personality disorder.

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. You may request reconsideration of this decision. Your request must include newly discovered relevant evidence which was not reasonably available to you when you submitted your application. The evidence may pertain to the timeliness of your application or to its merits. Absent such additional evidence, further review of your application is not possible.

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

Enclosure

DEPARTMENT OF PSYCHIATRY  
NAVAL MEDICAL CENTER  
PORTSMOUTH, VIRGINIA 23708-2197

6520  
0506:CC-0065  
26 JAN 01

From: Case Reviewers  
To: Chairman, Board for Correction of Naval Records,  
Department of the Navy, Washington, D.C. 20370-2197

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
██

Ref: (a) Your ltr dated 04 DEC 00, 7101-00

Encl: (1) BCNR file  
(2) Service Record/Medical Records  
(3) VA Records/Medical Records

1. Pursuant to reference (a) a review of enclosures (1) through (3) was conducted to form opinions about subject petitioner's claim that his delusional disorder existed at the time of his active duty service.

2. Facts of the Case:

(a) The petitioner was first seen on 04 June 1990, by ██████████ a licensed clinical psychologist. At that time he had homicidal ideation toward other command members. ██████████ initial report indicated "no overt signs of psychosis," and that the petitioner "denied hallucinations or delusions." No formal diagnosis was given at that evaluation.

(b) The petitioner was seen again by ██████████ on 26 June 1990. ██████████ evaluation stated that the petitioner indicated "concern about racial prejudice in the command but was unable to specify who the problem people are." In this evaluation, ██████████ also noted that the petitioner was "extremely immature and impulsive," and again "denied hallucinations or delusions."

(c) The petitioner underwent a Minnesota Multiphasic Inventory (MMPI) which is a psychological test designed to screen for various mental illnesses and personality disorders. Results were interpreted by ██████████ on 28 June 1990. The test was reportedly valid and described a person who was "self centered and infantile...(and) demands a great deal of attention and becomes resentful and hostile when their demands are not met. They are

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[REDACTED]

vague, evasive and denying when talking about their difficulties."

(d) As a result of the aforementioned evaluations, [REDACTED] established the diagnosis of Personality Disorder, Not Otherwise Specified with Borderline and Antisocial Features on 28 June 1990. He recommended an expeditious administrative separation on the basis of this Personality Disorder. The petitioner was seen again on 06 and 09 September 1990. The diagnosis and recommendations remained unchanged on those subsequent evaluations.

(e) On 11 December 1997, the petitioner was seen by a VA psychiatrist who noted that the petitioner "constantly feels that Germans are conspiring against him," and "he could not even step out of the house and always stayed at home with the curtains closed." The evaluation further noted "multiple delusions of persecution and ideas of reference." The diagnosis of Delusional Disorder, Paranoid Type, was thus established at this evaluation.

3. The following opinions are submitted:

(a) It is accepted that the petitioner has been diagnosed with Delusional Disorder, Paranoid Type and that currently his condition is disabling to some degree.

(b) No direct evidence was offered to establish that the petitioner suffered from a Delusional Disorder while in the Navy. According to the Psychiatric Diagnostic and Statistics Manual, 4<sup>th</sup> Edition (DSM-IV), "non-bizarre delusions" must be present to meet criteria for the diagnosis of Delusional Disorder. The petitioner's psychological evaluations consistently reported that no delusions were present. In fact, the only evidence that the petitioner has offered was that the VA allowed his claim. It is felt that evidence to establish a service connection does not exist because the petitioner's disabling condition was not incurred in or caused by a period of active military service.

(c) There was indirect evidence suggesting that the petitioner may have been paranoid (e.g. his concerns about racial prejudice); however, the written psychological evaluation and the MMPI presented no evidence that his concerns about racial prejudice at his command were delusional beliefs. People with Personality Disorders sometimes may go on to develop psychiatric conditions, such as Delusional Disorder. However, this does not

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[REDACTED]

mean the condition was also present at the time they were diagnosed solely as Personality Disorder.

4. Recommendation:

Review of the evidence does not argue for correction of the Naval record.

[REDACTED]  
[REDACTED] (P)  
LT MC USNR

[REDACTED] (P)  
LCDR MC USNR

[REDACTED] (P)  
LCDR MC USN