



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

JRE
Docket No. 08731-07
1 August 2008

[REDACTED]

[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 31 July 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 served on active duty in the Navy from 29 September 1997 to 25 May 2007, when you were discharged by reason of a personality disorder, which you did not contest at that time. Prior to separation, you were examined and considered physically qualified for service. On 8 November 2007, the Department of Veterans Affairs (VA) denied your request for service connection for the personality disorder because it was considered to be a congenital or developmental defect which was unrelated to your military service and not considered to be a disability.

As a personality disorder is not considered to be a disability under the laws administered by the Department of the Navy, and as you have not demonstrated that you suffered from any other physical or mental conditions which rendered you unfit for further service by reason of physical disability, there is no basis for correcting your record to show that you were separated or retired by reason of physical disability. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you want to contest the reason and authority and/or characterization of your service, you may do so by submitting the enclosed DD Form 293 to the Naval Discharge Review Board (NDRB). If you are unsatisfied with the results of the NDRB review, you may reapply to the Board for Correction of Naval Records.

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