



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

JRE
Docket No. 05793-08
11 May 2009



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 30 April 2009. 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 15 April 1976. You were given a diagnosis of a cyclothymic personality on 11 August 1977, and recommended for administrative separation by reason of unsuitability. For reasons that are not shown in the available records, you were not processed for discharge at that time. You underwent a pre-separation physical examination on 24 January 1978 and were found qualified for discharge. There is no indication in the examination report or elsewhere in your record that you suffered from schizophrenia or any other major mental disorder at that time. You were discharged under honorable conditions on 27

January 1978 under the provisions of the expeditious discharge program, based on your minor disciplinary infractions and lack of potential for further service.

It appears that you were first diagnosed with schizophrenia in 1982. The VA denied your request for service connection for that condition based on its determination that you did not suffer from schizophrenia while you were on active duty or within one year thereafter.

In the absence of evidence which demonstrates that you did not suffer from a personality disorder, and establishes that you were unfit for duty by reason of physical disability due to a ratable mental disorder, 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,



ROBERT D. ZSALMAN

Acting Executive Director