



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

JRE
Docket No. 03820-10
14 February 2011

[REDACTED]

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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 10 February 2011. 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.

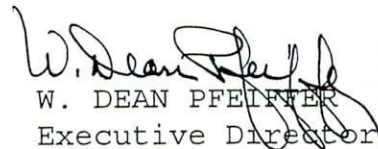
Your served on active duty in the Navy from 1 April 1997 to 24 June 2005 when you were discharged by reason of misconduct/commission of a serious offense, with a general discharge. On 4 March 2010, the Department of Veterans Affairs (VA) granted your request for service connection for posttraumatic stress disorder and traumatic brain injury effective from 30 July 2009. The VA ratings were based on conditions the VA determined were related to your involvement in a motor vehicle accident in 2000 and a recovery operation in 2002.

The Board concluded that the available records do not contain any credible evidence that you were suffering from posttraumatic stress disorder or the residual effects of a traumatic brain injury prior

to your discharge in 2005, that you were mentally incompetent, or that you were unfit for duty by reason of physical disability. The Board noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty because your administrative separation for misconduct would have taken precedence over disability evaluation processing. 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