



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS ^{TBE}
2 NAVY ANNEX Docket No. 05392-10
WASHINGTON DC 20370-5100 11 April 2011

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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 31 March 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.

You served on active duty in the Navy from 20 January 2005 to 18 July 2006, when you were discharged for the convenience of the government by reason of a personality disorder. As your commanding officer did not recommend you for further service, you were assigned a reentry code of RE-4, as required by governing directives. On 11 March 2010, the Department of Veterans Affairs (VA) awarded you a disability rating of 30% for posttraumatic stress disorder that was related to a motor vehicle accident in which you had been involved.

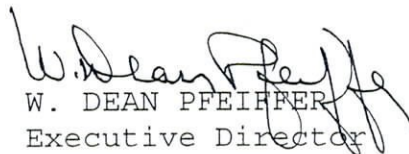
Your receipt of disability compensation from the VA is not probative of the existence of error or injustice in your naval record. The VA granted that compensation based on the existence of that condition, and without regard to the issue of your fitness for duty at the time of your discharge. As you may know, the military departments are permitted to assign disability ratings only in those

cases where the service member has been found unfit to reasonably perform the duties of his office, grade, rank or rating by reason of physical disability. The Board was not persuaded that you were unfit for duty by reason of physical disability on 18 July 2006 because of the effects of posttraumatic stress disorder, or that the diagnosis which resulted in your discharge is erroneous.

Accordingly, and as you have not demonstrated that your commanding officer should have recommended you for further service, 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