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

ELP
Docket No. 1442-99
9 July 1999

[redacted]

[redacted]:

This is in reference to your application for correction of your late husband's naval record pursuant to the provisions of Title 10, 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 July 1999. 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 late husband's 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 your late husband enlisted in the Navy at age 17 on 15 April 1955 for a minority enlistment. The record reflects that he was advanced to SN (E-3) and served for 26 months without incident. However, during the three month period from July to September 1957 he received two nonjudicial punishments (NJP) for two brief periods of unauthorized absence (UA).

The record reflects that he went UA again for about eight days, from 6-14 October 1967. On 15 October 1967 he was admitted to a naval hospital with a diagnosis of schizophrenic reaction due to marked hostility, numerous outbursts of violent rage with fighting, a suicidal attempt, and severe nightmares. There was no history or clinical evidence of hallucinations, delusions or illusions. His case was considered by a staff of psychiatrists

who felt that his condition was best be described as a schizoid personality disorder, as evidenced by his lack of adequate interpersonal relationships, seclusiveness, and mistrust of others. The diagnosis was changed to schizoid personality disorder on 22 October 1957.

Your husband received his third NJP on 30 October 1957 for the foregoing eight day period of UA. Punishment imposed was a reduction in rate to SA (E-2).

On 31 October 1957 a board of medical survey found your husband unit for further service by reason of schizoid personality disorder and recommended that he be discharged from the Navy. He was considered fully competent to be discharged into his own custody and did not pose a threat to himself or to others. Your husband was informed of the board's findings and recommendation and declined to submit a statement in rebuttal. Your husband was honorably discharged by reason of "Convenience of the Government" on 8 November 1957.

The Board noted your contention to the effect that your husband was mentally ill at the time of the UA which resulted in the reduction to SA at NJP. You request that his former pay grade of E-3 be restored. You claim that the Department of Veterans Affairs (DVA) had rated him 100 percent disabled because of his mental condition. However, the Board noted that at the time of discharge he was considered competent, able to distinguish right from wrong, and was not responsible for his actions. Your husband was discharged by reason of a personality disorder. Personality disorders are not disabilities under the law for which service-connection is granted, unless the condition progressed into a psychosis, i.e., schizophrenia. You provided no evidence as to the mental condition for which the DVA granted service-connection or the date he was first diagnosed. Absent evidence that your husband was unable to distinguish right from wrong at the time of his service, the Board could find no basis, 41 years later, to correct the record to show he was not reduced in rate. Your desire or need for a higher a Dependency and Indemnity Compensation benefit does not provide a valid basis for changing the record. 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

Copy to:
The American Legion