



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

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Docket No: 2776-21

Ref: Signature Date



Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 October 2021. The names and votes of the panel members will be furnished upon request. 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, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo), and the relevant Advisory Opinion.

You enlisted in the Navy and began a period of active duty on 2 June 1983. You were hospitalized from 6 to 19 July 1983 with mood and psychotic symptoms. During the hospitalization, it was revealed that you had experienced marked mood swings since age 12. You were diagnosed with Cyclothymic Disorder and Atypical Psychosis, both of which were considered Existing Prior to Entry (EPTE) and not service aggravated. You were referred to a Medical Board. On 15 August 1983, a Medical Board found that you were not physically qualified for enlistment and that your disabilities were neither incurred in nor aggravated while on active duty. The Medical Board recommended that you be discharged from military service in accordance with instructions. On 8 September 1983, Commanding Officer, Recruit Training Command notified you of administrative separation proceedings against you. You

acknowledged your rights and indicated that you did not object to the discharge. On 19 September 1983, you were discharged from the Navy on the basis of Erroneous Enlistment, and received an entry level separation with a reentry (RE) code of RE-3E.

In your application for correction, you request an upgrade to an honorable characterization of service and a medical discharge. You provide a 3 April 2020 Veterans Affairs (VA) Rating for 100% service-connected disability (schizophrenia, also claimed as Post Traumatic Stress and bipolar disorder) effective 14 June 2005, in support of your request. You claim that since you were found by the VA to be service-connected for your disability, the Entry Level Separation was erroneous. You seek an honorable discharge in part to access benefits that attach to a service connected disability.

As part of the review process, a Physician Advisor reviewed your request and issued an Advisory Opinion dated 23 August 2021. The Advisory Opinion noted that you received an Entry Level Separation after being hospitalized in your fourth week of active duty during recruit training. The Advisory Opinion considered the VA rating as well as your in-service medical treatment and diagnoses. The Advisory Opinion determined that your in-service documented diagnoses appear to be clinically appropriate and that the command's decision to effect an Entry Level Separation appear consistent with Navy Personnel and Medical Instructions. The Advisory Opinion concluded that the preponderance of objective evidence failed to support your request for an upgrade to your discharge characterization. The Advisory Opinion was provided to you, and you were given 30 days in which to submit a response. When you did not provide a response within the 30-day timeframe, your case was submitted to the Board for consideration.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to your contention that you are entitled to relief based on the VA's 3 April 2020 determination of a 100% service-connected disability rating effective 14 June 2005, for mental health conditions. The Board noted that within your first two months of active duty, you were found to have conditions which EPTE. You were referred to a Medical Board and based on its recommendation, discharge proceedings were initiated against you by Commanding Officer, Recruit Training Command within 180 days from the start of your active duty service on 2 June 1983. The Board reviewed the analysis and conclusions of the Advisory Opinion, and substantively concurred with its conclusion that you were properly discharged with an Entry Level Separation. The Board found that given the length of your active duty service and taking into account that your conditions were determined to have existed prior to entry, the Board concluded that an Entry Level Separation was appropriate. The Board noted that the VA's 2020 determination that you are entitled to a 100% disability rating for schizophrenia with an effective date of 14 June 2005 (more than 20 years after your 1983 discharge), does not create entitlement to either a characterized discharge or a medical separation or retirement. The Board concluded that your current discharge was issued without error or injustice and corrective action is not warranted.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not

previously presented to or 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,

10/22/2021

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Executive Director

Signed by: █