

characterization of service, and on that day you were so discharged. In 2007, you filed an application with the Naval Discharge Review Board (NDRB). On 31 January 2008, the NDRB denied your application, stating that the issue you raised is one that the NDRB, “cannot form the basis of relief for the Applicant, or one that the Board does not have the authority to grant”

The Board carefully considered all potentially mitigating factors in your petition to determine whether the interests of justice warrant relief in your case including in accordance with the Wilkie Memo. You contend in your petition that the misconduct that you engaged in while on active duty should be mitigated by PTSD that you suffered as a result of the stressful nature of your job when you were in the Navy as a search and rescue Hospital Corpsman. You provided medical documentation in support of your petition, including documentation from the Department of Veterans’ Affairs (VA).

In connection with your assertion that you suffered from PTSD, the Board requested, and reviewed, the AO. The AO reviewed your service record as well as your petition and the matters that you submitted, including the records you provided from the VA. According to the AO:

The Petitioner’s service record contained evidence of an in-service traumatic event. His post-service VA records provide evidence of a diagnosis of PTSD that can be attributed to military service. However, based on the available evidence, there is insufficient evidence that his misconduct should be attributed to his mental health condition. Mental health records documenting a linkage between his diagnosis and his misconduct are required to render an alternate opinion. Should the Petitioner choose to submit additional records, they will be reviewed in the context of his claims.

The AO concluded, “it is my considered medical opinion that there is evidence of a diagnosis of PTSD attributed to military service but there is insufficient evidence that his misconduct may be mitigated by PTSD.”

Based upon its review, the Board concluded the potentially mitigating factors that you raised were insufficient to warrant relief. With respect to your contention, which related to a mental health condition, the Board concurred with the findings of the AO that there is insufficient evidence that your misconduct should be attributed to your mental health condition. Accordingly, based on its careful review of your contention, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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,

1/21/2022

█

Executive Director

Signed by: █