


2018, and 2020. In the most recent denial, the Board relied on advisory opinions that concluded you likely suffered from a combination of a personality disorder and adjustment disorder at the time of your discharge from the Navy. Aside from the denials of your request for disability benefits, this Board upgraded your characterization of service to Honorable and changed your narrative reason for separation to Secretarial Authority in 2019. As new evidence, you provided a letter from your medical provider documenting your current diagnoses of Anxiety Disorder with Mixed Anxiety and Depressed Mood and Other Specified Trauma Stressors Related Disorder. The letter also explains you are currently unemployed after resigning from your place of employment.

The Board carefully considered your arguments that you deserve to be placed on the disability retirement list based on your belief that you were misdiagnosed with a personality disorder and actually suffered from Other Specified Trauma Stressor Related Disorder and Chronic Adjustment Disorder. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, the Board again substantially concurred with the advisory opinions from your most recent case that was denied on 20 August 2020. Specifically, the Board concluded that insufficient evidence exists to find that you did not suffer from a personality disorder, that your chronic adjustment disorder was a compensable disability condition at the time of your discharge, or that your Other Specified Trauma Stressor Related Disorder was incurred during a period of active duty.

In order to qualify for military disability benefits through the Disability Evaluation System with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In your case, the Board concluded the preponderance of the evidence does not support a finding that you met any of the criteria for unfitness at the time of your discharge from the Navy. Specifically, in making their finding, the Board considered that the VA denied you a service connection for Unspecified Trauma and Stress Related Disorder in addition to Post-Traumatic Stress Disorder. This was persuasive evidence to the Board that those mental health condition were not related to your active duty service and therefore not a qualifying disability condition for military disability benefits. The Board also agreed with the advisory opinion that you, more likely than not, suffered from a chronic adjustment disorder in conjunction with your diagnosed personality disorder at the time of your discharge from the Navy. However, since chronic adjustment disorders were not a compensable disability condition in 2009, the Board concluded you were not eligible for disability processing for either your diagnosed personality disorder or an adjustment disorder. Finally, the Board relied on two separate mental health evaluations from 15 December 2008 and 20 June 2009 to conclude you were properly diagnosed with a personality disorder that formed the basis for your administrative separation. Therefore, while the Board empathizes with your current medical conditions and social economic situation, they determined your diagnosis and administrative separation was supported by the preponderance of the evidence. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.



[REDACTED]

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,

10/12/2021

[REDACTED]

Deputy Director

[REDACTED]