



January 2021 denied your disability request based on an unfavorable advisory opinion that concluded insufficient evidence exists to find that you were unfit for continued naval service due to your post-discharge mental health diagnoses.

The Board carefully considered your arguments that assert you deserve a change to your narrative reason for separation to disability or return to active duty for disability processing. It argues that you were unfit due to your mental health condition at the time of your discharge from the Navy and should have been referred to the Physical Evaluation Board. It further argues that you should be returned to active duty in order to be processed by the Disability Evaluation System. Unfortunately, the Board disagreed with your rationale for relief. In making their findings, the Board again substantially concurred with the advisory opinion from your last application to this Board.

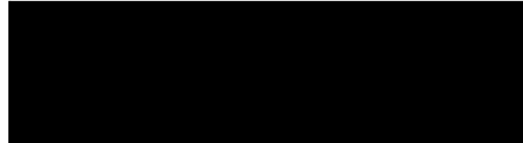
In reviewing the evidence in your case, the Board again concluded that your Adjustment Disorder diagnosis was supported by the preponderance of the evidence based on a diagnosis issued contemporaneously with your treatment in August 2005 and September 2005. The Board noted that you were twice diagnosed with an adjustment disorder within a 30-day period just prior to your discharge from the Navy. While the Board considered your post-discharge diagnosis for Schizoaffective Disorder and the medical opinion you provided, the Board agreed with the advisory opinion that the preponderance of the evidence does not support a finding that you were unfit for that disorder based on a diagnosis issued approximately three years after your discharge. In essence, the Board felt that medical treatment records from the military was more reliable in determining your fitness for active duty than the post-discharge medical evidence you provided. Additionally, the Board also relied on your separation physical that found you fit for release from active duty. The Manual of the Medical Department Chapter 15-20 requires separation examinations and evaluations for active duty members and states “comprehensive evaluations are conducted for the purposes of ensuring that Service members have not developed any medical conditions while in receipt of base pay that might constitute a disability that should be processed by the Physical Evaluation Board (PEB) and to ensure Servicemembers are physically qualified for recall to additional periods of active duty. Thus, the standards for being physically qualified to separate are the same as those being qualified to continue active duty Service ... .” The Board considered the findings of the separation physical in conjunction with the 9 September 2005 medical evaluation that concluded you did not suffer from a “severe mental disease or defect.” Further, the Board did not find your VA rating persuasive since it was issued years after your discharge and eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Finally, the Board considered your preservice history of mental health issues that included psychiatric treatment. This evidence was considered by the Board in determining that no injustice exists in your case since you, more likely than not, entered the Navy without properly disclosing your prior mental health issues. In considering this evidence, the Board felt that you should not benefit from failing to disclose medical history that, more likely than not, was disqualifying for enlistment. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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,

11/27/2021



Deputy Director

