



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: 5202-21
Ref: Signature Date



Dear Petitioner:

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

A three-member panel of the Board, sitting in executive session, considered your application on 7 February 2022. 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 the 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). In addition, the Board considered the advisory opinion (AO) furnished by a qualified mental health professional dated 16 November 2021, which was previously provided to you.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 12 May 1980. On 3 November 1980, you were admitted to a hospital facility with a diagnosis of viral hepatitis. On 1 December 1980, you were found to be anemic with acute hemolytic episode secondary to nonspecific infection that exist prior to entry (EPTE), not aggravated, and not ratable. On 22 January 1981, a Medical Board found you physically unfit to perform your duties, that your condition EPTE, and was not due to misconduct or willful neglect. Additionally, it was determined that you were not

eligible to receive disability benefits. As a result, you were separated from Navy without entitlements to any benefits prescribed by 10 U.S.C. Chapter 61. On 4 February 1981, the separation authority directed your separation from the Navy by reason of a Physical Disability with severance pay not authorized. On 18 February 1981, you were honorably discharged from Navy due to a physical disability.

A qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO regarding your assertion that you were suffering from PTSD during your service. The AO noted that there is no evidence of an in service or post-service mental health diagnosis. Based on the current available evidence, there is insufficient evidence that you incurred PTSD or another mental health condition during military service, and there is insufficient evidence that your separation could be attributed to PTSD or another mental health condition.

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 assertions that you were the victim of a conspiracy by your brother, who sought to take your assets after effecting your illegal separation from the military. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that there was no error or injustice in your honorable discharge, without severance pay, from the Navy. The Board also concurred with the AO that based on the current available evidence, there is insufficient evidence that you may have incurred PTSD or another unfitting mental health condition during military service, and there is insufficient evidence that your misconduct could be mitigated by an unfitting mental health condition. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

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,

2/11/2022

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Executive Director

Signed by: █