



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

█  
Docket No. 6093-21  
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 case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 18 November 2021. The names and votes of the members of the panel 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.

A review of your record shows that you entered active duty with the Navy in May 1999. Later that year, you were transferred to Naval Support Facility, █ in December. On 15 July 2000, you received a performance evaluation with a trait average of 2.17 that documented you were struggling to adjust to the military environment. On 25 October 2000, you knowingly ingested 15 Naproxen pills that resulted in your medical evacuation to Naval Hospital, █. You were released back to duty with a diagnosis of no significant psychiatric illness or personality disorder. Subsequently, you were notified of administrative separation processing for commission of a serious offense based on your ingestion of pills. On 8 December 2000, you were discharged with a General characterization of service due to your misconduct. On 9 July 2021, the Department of Veterans Affairs (VA) rated you for Generalized Anxiety Disorder at 50%.

The Board carefully considered your arguments that you deserve a change to your narrative reason for separation to disability and an change to your characterization of service. You argue that you were unfit for continued naval service at the time of your release from active duty and that the medical department in █ was not equipped to treat you. Unfortunately, the Board disagreed with your rationale for relief.

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 reviewing your record, the Board determined 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. In making this finding, the Board relied upon the 16 November 2000 medical record from Naval Hospital, [REDACTED] that documented you were released from treatment with "no significant psychiatric illness" and determined to be "stable and ambulatory with no other medical problems noted." In the Board's opinion, this was strong medical evidence that you were not suffering from any mental health conditions just prior to your discharge from the Navy. While the Board considered the VA evidence you submitted, they did not find it probative on the issue of your fitness in December 2000 since it was issued approximately 20 years after your release from active duty. Further, the Board noted that 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. Based on these factors, the Board concluded your request for a disability discharge is unsupported by the evidence.

Regarding your request to change your characterization of service, the Board concluded it also remains appropriate based on your enlistment trait average of 2.17 and misconduct that formed the basis for your administrative separation. Navy regulations state that eligibility for a General under Honorable conditions may be awarded based on a review of a Sailor's overall service record. Based on the 2.17 trait average earned during your enlistment and the incident of misconduct, the Board determined that the quality of your service was honest and faithful with positive aspects that were outweighed by significant negative aspects of your conduct and performance of duty. Accordingly, the Board found insufficient evidence of error or injustice to warrant a change to your record.

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 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,

11/22/2021

[REDACTED]  
Deputy Director  
[REDACTED]