




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

 Docket No: 0144-22

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 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.

A three-member panel of the Board, sitting in executive session, considered your application on 20 April 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, applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo). The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider which was previously provided to you. You were afforded an opportunity to submit a rebuttal to the AO, but did not.

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 1 June 2021. On 7 July 2021, a medical provider diagnosed you with adjustment disorder with anxiety. On 15 July 2021, you were notified of the initiation of administrative separation proceedings by reason of a medical condition and not a disability. On the same date, you were counseled regarding your medical condition and your diagnosis of adjustment disorder with anxiety, at which point, you elected not to make a statement. Subsequently, your commanding officer recommended an uncharacterized

discharge characterization of service as evidence by a medical condition not amounting to a disability. On 23 July 2021, you were discharged.

As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an Advisory Opinion (AO) on 7 March 2022. The AO stated in pertinent part:

Petitioner's OMPF did contain evidence of a diagnosis of a mental health condition that significantly impaired his ability to function in the military environment. Petitioner did not submit evidence to refute the in-service diagnosis (i.e., post-discharge psychiatric evaluation). Caution should be taken in considering any change to his reenlistment code that would remove a requirement for a mental health reevaluation, given the history of psychological decompensation in the military environment. The diagnosis of Adjustment Disorder indicates a short-term psychological condition related to specific stressors, it is not surprising that post-discharge following removal from the demanding stressors of the military environment, that Petitioner's psychological condition would resolve and he would return to his mental health baseline.

The AO concluded, "[B]ased on the available evidence, it is my considered clinical opinion Petitioner experienced a mental health condition during his military service, which affected the circumstances of his discharge.

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 contention that you were diagnosed with a condition at RTC and have since followed up with a psychologist. Your contention that you have never been diagnosed with a mental health condition. The Board noted you submitted a letter from a regional nurse at █ Community Hospital to be considered. Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no error or injustice in your record and determined, based on the record, you were issued the appropriate reentry code. The Board concurred with the AO and concluded that your Commanding Officer (CO) reasonably relied on the medical recommendations provided on 7 July 2021 to determine you were ineligible for reenlistment based on your diagnosed adjustment disorder. Since your adjustment disorder was, in part, related to stressor associated with military service, the Board also determined that it was also reasonable for your CO to conclude your condition would return should you be allowed to reenlist. 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 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,

5/5/2022

█

█