



**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. 698-22  
Ref: Signature Date

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Dear Petitioner:

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 10 February 2022. 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.

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.

A review of your record shows that, having completed a course of instruction at the Naval Academy Preparatory School, you entered active service in the Navy as a Midshipman at the United States Naval Academy (USNA) in 2002. On 15 September 2004, you were discharge with an honorable characterization of service due to failing to complete a course of instruction.

In your petition, you contend that your narrative reason for separation be changed to "Permanent Disability" with back pay to your separation date from the Navy. The Board carefully considered your arguments that you developed post-traumatic stress disorder (PTSD) and generalized anxiety disorder (GAD) as a result of a near death experience that happened to you while you were at USNA. You further state that you were not diagnosed while at USNA, because it failed to perform a psychological evaluation for the purpose of diagnosis during your

separation, and that you should have been put through the Medical Evaluation Board process and provided adequate diagnosis and care post service, or returned to a state “fit for military service” with treatment. In support of your contentions, you provide information that you had a near death experience while jumping from a diving board that was ten meters high, and you included statements in support of your contention. You also provided a U.S. Department of Veterans’ Affairs’ (VA) finding that you have service connected disabilities due to PTSD and GAD as a result of jumping from the diving board. 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; or the member’s disability imposes unreasonable requirements on the military to maintain or protect the member. In your case, the Board determine the preponderance of the evidence did not support a finding that you met any of the criteria for unfitness. The Board noted the absence of any contemporaneous objective evidence, such as treatment notes from a Navy mental health provider or other medical records that support your contention. With respect to mental health treatment, the Board observed that the materials you provided reflect that you reported receiving a mental health consultation on only one occasion post-discharge and prior to visiting the VA. The Board also observed that you were able to function sufficiently to obtain a Bachelor’s degree, and that you worked as a Licensed Massage Therapist until approximately 2020. Based on these factors, the Board found insufficient evidence that you were unfit at the time of your discharge from the Navy. Therefore, they concluded the preponderance of the evidence does not support placing you on the disability retirement list. Accordingly, based on the entirety of the record, the Board determined that there was no error or injustice in your discharge from service due to failing to complete a course of instruction at USNA.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

2/16/2022

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Deputy Director  
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