



you were discharged due to head trauma and you received a seizure diagnosis. You also state that you have a service connected disability due to your mental health, and that a representative of the U.S. Department of Veterans' Affairs told you that you should obtain a medical discharge.

The Board carefully considered your petition, but it 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.

In denying your request for a medical discharge, the Board observed that there were no findings that you had a qualifying disability condition while you were on active duty. Rather, as this Board explained to you previously, under "DODI 6130.03, a seizure disorder is identified as a disqualifying physical condition for enlistment. The instruction states that disqualifying conditions apply to enlistees in their first six months of active duty if the condition existed prior to entry and was not aggravated by the active duty service." The Board found no evidence of aggravation by active duty service, it did not find any evidence that you suffered head trauma while on active duty, and you did not provide any such evidence. In addition, the Board found that you were properly discharged while you were serving within the first 180 days of your enlistment. Finally, the fact that you have received service connected disability ratings for service connected disability conditions did not persuade the Board these conditions were unfitting at the time of your discharge from the Navy because 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. As previously explained, the Board found no medical evidence to rebut the Navy's medical findings that your seizure disorder preexisted your entry into the Navy and was not aggravated by your active duty service. Thus, the Board determined that the medical records and associated discharge paperwork were in order and there was no evidence of an error or injustice in your entry-level separation. Accordingly, the Board found insufficient evidence of error or injustice to warrant 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,

6/27/2022

