

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

> Docket No: 3884-22 Ref: Signature Date



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 2 August 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, as well as the 2 June 2022 advisory opinion (AO) provided by a qualified medical professional and your response to the AO.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will 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.

The Board carefully considered your request remove your permanent medical disqualification from military service due to your narcissistic personality disorder (NPD) diagnosis. The Board considered your contention that you were diagnosed as having a NPD, however, there are independent assessments by mental health professionals that refute the diagnosis furnished by the Military Entrance Processing Station (MEPS) provider. You also contend that the denial of your entry into the military by the Chief of the Navy Bureau of Medicine and Surgery (BUMED) was based on a single evaluation conducted by a contracted mental health provider. The Board also considered your assertion that the independent mental health providers concluded that the NPD diagnosis was in error and you do not have a NPD at all.

As part of the Board's review, it considered the AO. The AO stated in pertinent part:

Although there are differences of opinions regarding the Petitioner's mental health diagnoses or lack thereof, the evaluation requested by the USMC was the only evaluation that included a review of service records. The subsequent evaluations were based entirely on the Petitioner's report through interview and questionnaire data, and a collateral interview with his mother. While it is understandable that the Petitioner was interested in presenting himself in the most favorable light, it is noteworthy that his report of the reason he failed to complete the officer training is not consistent with what was found in service records reviewed by the first psychologist. Additionally, while the subsequent providers conducted thorough and competent evaluations, their familiarity with the specific stressors associated with military service is not known. It is likely that the psychologist who received the USMC referral had an understanding of the specific stressors that will arise during military service. Additionally, the medical board of military physicians who reviewed the Petitioner's complete record understood the specific stressors that accompany military service, and determined that a medical waiver for enlistment was not warranted. As noted in previous correspondence to the Petitioner, military medical standards are designed to enlist individuals who can complete all aspects of military training and perform military duties throughout the world, under sometimes very difficult conditions, without limitations.

The AO concluded, "[b]ased on the available evidence, it is my clinical opinion that there is insufficient evidence of an error in diagnosis or determination to not grant a medical waiver for enlistment."

In response to the AO, you provided a statement disputing aspects of the opinion and arguing that your post-diagnosis employment history demonstrates you do not suffer from a personality disorder.

The Board, however, substantially concurred with the AO that there is insufficient evidence of an error in the diagnosis or determination provided by the MEPS mental health provider. The Board noted that you were dropped from the second six week Platoon Leaders Course and, after seeking an enlisted affiliation in the Marine Corps, a determination for medical eligibility was requested. A licensed psychologist conducted the evaluation and listed a diagnosis of NPD. The Board also noted that two independently procured licensed psychologist conducted evaluations; one provider listed a diagnostic impression of Adjustment Disorder, but no diagnosis, and the second provider listed no evidence of current personality characteristics or historical variables associated with NPD or any other diagnosis. The Board considered the independent evaluations and determined that, although they did not list a diagnosis of NPD, the evaluations are insufficient to conclude that the licensed psychologist's evaluation for the MEPS was in error. The Board noted, too, that the licensed psychologist's evaluation for the MEPS and the decision

by BUMED also included a review of your service record. Moreover, the medical board of military physicians and Marine Corps Recruiting Command (MCRC) personnel who determined that a medial waiver was not recommended or warranted, understood the stressors and requirements of military service. Therefore, even though the Board considered your appointment as a federal agent and experience as a law enforcement officer, in consideration of the totality of evidence, the Board concluded that there is no probable material error, substantive inaccuracy, or injustice warranting a change to your medical disqualification status. 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,