



**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: 5509-22

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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 23 September 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 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, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). Additionally, the Board also considered the advisory opinion (AO) furnished by a qualified mental health provider.

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 entered active duty on 10 September 2018. Your pre-enlistment physical, on 24 April 2018, and self-reported medical history both noted no neurologic or

psychiatric abnormalities, conditions, and/or symptoms.

On 22 October 2018, you were evaluated at the Recruit Evaluation Unit (REU) at Recruit Training Command, █. You were diagnosed with an adjustment disorder with depressed mood. The REU Medical Officer (MO) noted the following:

The condition(s) is sufficiently severe to impair significantly the recruit's ability to function effectively in a military environment. The impairments to functioning included the following: SR has been seen at the FHCC ED by psychiatry and diagnosed with an adjustment disorder...Entry level separation is recommended due to a disqualifying psychiatric condition or behaviors affecting SR's potential for performance of expected duties and responsibilities while on active duty; the recruit poses risk if retained in USN.

The MO noted that such condition did not exist prior to service, and recommended your entry level separation (ELS). On 25 October 2018, RTC issued you a "Page 13" administrative counseling/warning (Page 13). The Page 13 noted you were diagnosed with an adjustment disorder that did not exist prior to your enlistment, and the Page 13 documented that your adjustment disorder was not a physical disability. The Page 13 noted that given your inability to correct your condition that you were being processed for an ELS from the Navy.

On 25 October 2018, RTC provided you notice that you were being processed for an administrative discharge from the Navy by reason of convenience of the government as evidenced by a physical or mental condition (not a disability). You elected in writing to waive your rights to consult with counsel, submit a written statement to the separation authority for consideration, and to General Court-Martial Convening Authority review of your discharge. Ultimately, on 7 November 2018, you were discharged from the Navy with an uncharacterized ELS and assigned an RE-3G reentry code. In this regard, you were assigned the correct characterization, narrative reason for separation, and reentry code based on your factual situation.

On 27 August 2019, the Naval Discharge Review Board (NDRB) denied your application for relief. The NDRB determined that your discharge was proper as issued and no change was warranted. On 5 July 2021, the VA granted you a service-connection for an adjustment disorder with depressed mood with generalized anxiety disorder initially with a 70% rating.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to: (a) your separation was improper, and (b) your paperwork should reflect your medical records.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined that at the time of your discharge your ELS was procedurally, legally, and factually sufficient. In accordance with the Kurta, Hagel, and

Wilkie Memos, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced and their possible adverse impact on your service. However, the Board determined that your Navy service records and DD Form 214 maintained by the Department of the Navy (DoN) contained no known errors. The Board determined that your clinical diagnosis and separation recommendation was clinically appropriate. The Board noted that the REU MO clearly formed their mental health diagnosis and separation recommendation based, in part, on information personally provided by you during your evaluation, as well as your documented performance at RTC. The Board concluded that the objective evidence established you were appropriately diagnosed with an adjustment disorder on active duty, and that your characterization, narrative reason for separation, and reenlistment code were appropriate for the circumstances underlying your separation.

The Board also noted that your requested relief is not permissible/applicable. No specific entitled separation basis and/or narrative reason for separation exists for an “adjustment disorder” in the Naval Military Personnel Manual (MILPERSMAN). Moreover, the Board noted that at the time of your discharge the basis of “condition, not a disability” with the most appropriate basis to process you for administrative separation. As a result, the Board was not willing to describe the specific reason for your discharge on your DD Form 214 to technically match your medical records. Moreover, the Board determined that it would be an injustice to label your discharge as being for a diagnosed character and behavior disorder. Describing your service in such manner would attach a considerable negative and unnecessary stigma, and fundamental fairness and medical privacy concerns dictate it not be added. Thus, the Board concluded that your discharge cannot and should not be labeled as being for a mental health-related condition.

Additionally, the Board noted that your “RE-3G” reentry code is a waivable code corresponding to “condition (not a disability),” and was the proper reentry code for a case involving an adjustment disorder such as yours. The Board also noted that recruiting personnel will be responsible for determining whether you meet the standards for reenlistment and whether or not your reenlistment is feasible given your previous medical/psychiatric history.

Lastly, absent a material error or injustice, the Board declined to summarily make changes to your service record solely for the purpose of facilitating veterans benefits, or enhancing educational, enlistment, or employment opportunities, including military enlistments. As a result, the Board determined that there was no impropriety or inequity in your ELS, narrative reason for separation, and reentry code, and the Board concluded that you received the correct characterization, narrative reason for separation, and reentry code based on your overall circumstances, and that such DD Form 214 entries were proper and in accordance with all DoN directives and policy at the time of your discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board still concluded that insufficient evidence of an error or injustice exists to support your requested changes to your record. 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,

10/4/2022

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Executive Director

Signed by: █