



In your current petition, you seek to have your discharge characterization changed to disability, removal of the records of your Captain's Mast, and to correct your medical records. In support of your requests, you argue that you seek the benefits to which you are entitled.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that, 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 his or her office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his or her disability represents a decided medical risk to the health of the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting.

In reviewing your record, the Board concluded the preponderance of the evidence does not support a finding that you met any the criteria for unfitness as defined within the Disability Evaluation System at the time of your discharge. In reaching its decision, the Board observed that there was no evidence in your record, nor did you provide any, that you incurred a qualifying disability condition while you were on active duty service. To the contrary, the only potential medical condition for which you were reviewed while you were on active duty was a diagnosis that you had a passive-aggressive personality. This was based on a 21 April 1971 medical record, which explained that you were resentful for being changed from an aviation-related rating, that you had antagonized "just about everyone" aboard your ship, that you had difficulty accepting your role "in [your] problems," that you exhibited no evidence of a psychosis, that you were not clinically depressed or suicidal, and that you were alert and well oriented. There is no indication in the medical record that you suffered from any potentially unfitting medical condition. To the contrary, the medical report recommended that you either be transferred from your current ship or that you be processed for separation based on unsuitability due to your passive aggressive personality.

Similarly, the Board considered all of the material that you provided in connection with your application, including medical records and your contemporaneous letters to your family, and found that the material you provided was insufficient to suggest that you incurred a qualifying disability condition while you were in service. In sum, the Board observed the actual reason for your discharge was as a result of your demonstrated unsuitability for further service as evidenced by the aforementioned medical record as well as the imposition of nonjudicial punishment on four occasions.

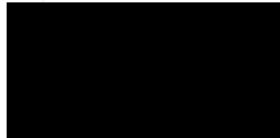
With respect to your request to have the paperwork relating to your Captain's Mast be removed from your service record and to correct your medical records, the Board did not observe any apparent error or injustice with respect to the records that it was able to review, and you did not provide any information or argument to support your requests. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board considered all of the material that you provided in connection with

your application, including medical records and your contemporaneous letters to your family, and found that the material you provided was insufficient to overcome the presumption of regularity. 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,

3/23/2023

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Executive Director

Signed by:

A black rectangular redaction box covering the name of the Executive Director.