



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: 8034-22

Ref: Signature Date



Dear █

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.

A three-member panel of the Board, sitting in executive session, considered your application on 23 November 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 the 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 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

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 at age twenty-eight (28) and commenced active duty on 1 October 2018. Your enlistment physical examination, on 10 October 2017, and self-reported medical history both noted no psychiatric or neurologic conditions or symptoms.

On 29 September 2020, a Navy Medical Practitioner (NMP) diagnosed you with an adjustment disorder with mixed anxiety and depressed mood. The NMP determined that your medical condition was incompatible with military service and did not amount to a physical disability. The NMP concluded that your diagnosed condition was so severe as to significantly impair your ability to effectively function in the military.

In conjunction with the NMP's adjustment disorder diagnosis, on 29 September 2020, you initiated a request for an administrative separation based on a condition not a disability that hindered your potential for continued naval service. In your voluntary request, you specifically stated, in part:

I suffer from feelings of increased anxiety and depression. Since reporting to USS ██████████, these feelings became more intense and frequent. The stressors of my working environment make me feel isolated, stagnant, and frustrated. The environment of the Navy has proven to intensify these feelings without hope of resolution or improvement. I fear that if I stay in, my symptoms will worsen. I believe my symptoms will resolve once discharged from military service.

As required by MILPERSMAN 1900-120, the NMP's recommendation was properly endorsed by a Bureau of Medicine and Surgery (BUMED) appointed medical evaluation board (MEB), and the MEB Convening Authority. A Flag Medical Officer (Commander, Navy Medicine West) subsequently reviewed and signed off on your condition, not a disability separation.

On 19 November 2020, your commanding officer determined you had a medical condition incompatible with military service and recommended your separation with an Honorable characterization of service. Ultimately, on 8 March 2021, you were discharged from the Navy due to a condition not amounting to a disability with an Honorable characterization of service and assigned an "RE-3G" reentry code. In this regard, you were assigned the correct characterization of service and reentry code based on your specific circumstances.

On 4 May 2022, the Naval Discharge Review Board denied your initial application for relief.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire for a change to your narrative reason for separation, separation code, and reentry code along with contentions that: (a) you did not meet the requirements for separation under MILPERSMAN 1900-120, (b) you were never provided the chance to overcome any deficiencies, (c) all medical avenues were exhausted, (d) the proper medical opinion was never provided, and (e) a flag officer review was not conducted. For purposes of clemency and equity consideration, the Board noted you provided supporting documentation including advocacy letters.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. The Board determined that your Navy service records contain no known errors. First, the Board noted that you initiated the separation request, thus any obviating the requirement for a "Page 13" entry documenting any issues and providing a chance to overcome such deficiencies. Second, the Board noted, contrary to your contentions, that your administrative separation package was properly endorsed and approved by the appropriate MEB, MEB Convening Authority, and cognizant Flag Officer.

The Board declined to second guess military medical professionals in their clinical assessments and diagnoses of you. Moreover, the Board determined your command satisfactorily complied with the substantive and procedural requirements of MILPERSMAN 1900-120. Additionally, absent a material error or injustice, the Board declined to summarily make corrections to service records solely for the purpose of facilitating veterans' medical and other benefits, or enhancing educational or employment opportunities, including military enlistments. As a result, the Board determined that there was no impropriety or inequity in your discharge, narrative reason, and reentry code, and that such discharge action was in accordance with all Department of the Navy directives and policy at the time of your separation. After carefully considering all the evidence you submitted for consideration, even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants changing your narrative reason for separation, separation code, reentry code, or granting relief as a matter of clemency or equity. 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,

12/13/2022

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Executive Director

Signed by: █