



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

█
Docket No. 9326-22
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was 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 16 March 2023. 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.

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.

On 3 November 1999, you were seen at the █ Medical Center by an ophthalmologist for a glaucoma evaluation. The medical note states that you had a history of raised intraocular pressure in the past; the ophthalmologist asked you to return in two months for a visual field examination. On 7 July 2000, you enlisted in the naval service. On 24 July 2000, 14 days after entering active duty, you were examined at the █ Medical Optometry Clinic in █; the note states that you admitted that you were told you had glaucoma and that you did not conduct the follow up as requested by the civilian ophthalmologist. On 26 July 2000, you were notified of administrative separation processing for erroneous enlistment and you were discharged for erroneous entry with an uncharacterized entry-level separation characterization of service on 13 October 2000.

You were previously denied relief by this Board on 17 December 2010, 22 April 2011,

19 October 2012, 5 September 2013, 11 November 2013, 28 February 2014, 15 February 2018, and 29 April 2019.

The Board carefully considered your arguments that your narrative reason for separation should be changed to disability due to Post-Traumatic Stress Disorder (PTSD) and that your characterization of service should be changed to Honorable. You further contest that the Department of Veterans Affairs (VA) has you erroneously marked as having an Other than Honorable characterization of service. As evidence, you provided a VA Benefits letter dated 31 January 2022 and a letter from a licensed clinical psychologist dated 5 October 2022. For this petition, you argue that you were suffering from PTSD at the time of discharge due to an incident with your drill sergeant in which you felt threatened to sign documents indicating that you had a preexisting condition.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. The Board noted there are no medical documents in your service record that indicate you were seen for mental health during your active service. In addition, the Board noted that the psychologist letter diagnosing you with PTSD is 22 years after your discharge from service. After a review of this new evidence, the Board affirmed its previous decisions that determined you were appropriately processed for erroneous enlistment due to an existing prior to entry condition and assigned an uncharacterized entry-level separation.

In reaching its decision, the Board noted that the Naval Military Personnel Manual (MILPERSMAN), authorizes separation of a member during the first 180 days of service when the member has been found unqualified for further service and specifies that the separation will be uncharacterized and described as Entry-Level Separation. While there are exceptions to this policy in cases involving extraordinary performance and misconduct, the Board determined neither applied in your case. Ultimately, after another review of your case, the Board again concluded that more likely than not you entered the Navy with an undiagnosed glaucoma condition that was a disqualifying physical condition for enlistment. Consequently, the Board determined there is insufficient evidence of error or injustice to change your characterization of service or narrative reason for separation. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

Regarding your contention that the VA erroneously identified you with an Other Than Honorable characterization of service, the Board does not have authority regarding VA decisions and recommends you to address this issue directly with the VA.

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,

