



**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. 276-23  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your request 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 29 February 2024. 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, applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo).

A review of your record shows that you joined the United States Naval Reserve (USNR) on 19 June 2001. You served on active duty from 23 January 2006 until 8 October 2006 and, upon release, you received an Honorable characterization of service. You re-enlisted on 2 April 2009 for six years. During this enlistment, you mobilized in support of Operation █ on 9 December 2011 and deployed from 24 January to 7 May 2012. You were released from active duty, on 16 June 2012, with another Honorable characterization of service. You re-enlisted for a final six years on 8 March 2015. Ultimately, you submitted a request to be transferred to the Retired Reserve. On 1 March 2021, Chief of Navy Personnel notified you that your request was accepted effective 1 March 2021.

For this petition, you contend you were involved in a rollover vehicle crash while deployed and sustained injuries to your head, neck, and back. You further claim you incurred Post-Traumatic Stress Disorder (PTSD) and Major Depressive Disorder (MDD) while on active duty and these conditions prevented you from sustaining civilian employment and completing your naval career. You request the Board place you into the Disability Evaluation System (DES) so that you can be

medically retired. You submitted medical records, character letters, Department of Veterans Affairs (VA) records, and VA rating decisions to support your claim.

The Board carefully reviewed your petition and the material you provided in support of your petition and concluded there was insufficient evidence to warrant relief. In accordance with the Kurta Memo, the Board applied liberal consideration to your claimed PTSD and MDD conditions, and the effect that they may have had upon your conduct.

In reaching its decision, the Board noted for Reserve service members to be eligible for a disability retirement, their injuries or medical conditions must have been determined to have been sustained or exacerbated while in a duty status via a Line of Duty Benefits (LOD-B) determination. If a Reserve Member is granted a LOD-B, then the member can enter the DES. This process determines if a medical condition prevents the member from continued service and warrants a disability discharge. The Board noted that the Reserve Medical Benefits Issuing Authority did not issue you a LOD-B for any of your claimed conditions.

Additionally, the Board found you did not provide any evidence to support your claim of a rollover vehicle crash, to prove that you had any duty limitations resulting from these injuries, or that the service found you medically disqualified. Moreover, the Board took note that you re-enlisted for six years in March 2015, after you contend your symptoms developed. After a thorough review of your record, the Board found no indication that you were unable to perform the duties of your office, grade, rank, or rating. Your last observed fitness report covering the period 16 November 2016 until 23 September 2017 was very favorable, stating you were selected to Chief Petty Officer. This was over five years after your last period of active duty service during which you claim to have incurred the unfitting conditions. Finally, the Board noted your argument for a medical retirement is partially based on the VA decision to issue you service connected disability ratings. The Board was not persuaded by your VA evidence since eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

In light of the foregoing standards, the Board did not discern any facts that would support your claim of eligibility for referral to the DES or a disability retirement. Rather, the evidence of record demonstrates you were properly transferred to the Retired Reserve, per your voluntary request, after years of Honorable and high level service that saw you promoted to the paygrade of E-7. In summary, the Board simply did not find any error or injustice in your naval records. 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,

3/21/2024

