



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: 1999-23
Ref: Signature Date



Dear Petitioner:

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 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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 16 October 2023. 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 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). As part of the Board's review, a qualified mental health professional reviewed your request and provided the Board with an Advisory Opinion (AO) on 29 August 2023. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

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 began a period of active service on 25 May 1988. On 28 October 1988, you graduated Radioman Accession School and reported to █ on 12 November 1988. On 30 August 1989, █

you attended pre-separation counseling. Topics included Naval Reserve Programs, continuing military obligations, veterans benefits, and separation documents as well as the Certificate of Release or Discharge from Active Duty (DD Form 214).

Unfortunately, the documents related to your administrative separation are not in your official military personnel file (OMPF). In this regard, 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 (as is the case at present), will presume that they have properly discharged their official duties.

Your Certificate of Release or Discharge from Active Duty (DD Form 214), reveals that you were separated from the Navy on 15 September 1989 with an (HON) characterization of service, your narrative reason for separation is "Pregnancy/Childbirth," your separation code is "KDF," and your reenlistment code is "RE-3B."

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 to change your narrative reason for separation from "Pregnancy/Childbirth," to "Hardship," and your contentions that you incurred PTSD, other mental health concerns and harassment during military service. Specifically, (1) you married your spouse after Radioman A School on November 5th, 1988, and had to arrive to your new duty station with reservation for the maximum stay at the base hotel for two weeks, (2) your spouse's was unemployed, (3) you faced housing difficulties and other hardships, (4) you had an unplanned pregnancy, (5) you experienced and witnessed gender-based harassment, (6) you did not have anyone to help you nor did you know how to prove hardship at the time in order to request a hardship discharge, (7) your situation was clearly a hardship and your DD-214 should reflect it, and (8) the reason you joined the military was to one day buy a home with a VA loan, go to college and get braces on your teeth and none of those three items have ever come from being in the military." The Board viewed your allegations with serious concern. However, this Board is not an investigating agency nor does it have the resources to investigate unsubstantiated allegations. For clemency purposes the Board noted you did provide a copy of your DD 214, a statement, character letters from your husband and mother-in-law, rental forms and documents from 1998, and medical/official military personnel file documents.

Based on your assertions that you incurred PTSD, other mental health concerns, and harassment during military service, which might have mitigated the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO. The AO stated in pertinent part:

There is no evidence that she was diagnosed with a mental health condition in military service, or that she exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. She has provided no medical evidence in support of her claims. Unfortunately, her personal statement is not sufficiently detailed to establish clinical symptoms in service or provide a nexus with her separation from service. Additional records (e.g., post-service mental health records describing the Petitioner's

diagnosis, symptoms, and their specific link to her military service) may aid in rendering an alternate opinion.

The AO conclude, “based on the available evidence, it is my clinical opinion there is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence to attribute the circumstances of her separation to PTSD or another mental health condition.”

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your narrative reason for separation, was issued in accordance with governing instructions at the time of your discharge. Additionally, 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 granting you the relief you requested 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 the 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 is attached 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,

10/22/2023

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Executive Director

Signed by: █