



Kurta Memo, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service, to include whether they qualified you for the military disability benefits you seek.

In reaching its decision, the Board noted when a service member's command or military medical provider suspects a service member's physical or mental condition interferes with their performance of duty, the service member is referred to a medical evaluation board (MEB). If the medical board finds the service member has a condition that is considered a disability under Secretary of the Navy Instruction (SECNAVINST) 1850.4E, the MEB would refer the service member to a Physical Evaluation Board (PEB) to determine whether the disability made the service member unfit to continue on active duty. In cases in which the MEB found that a service member has a condition, not a disability, the command is expected to initiate separation proceedings.

The Board noted you did not provide, and your service record does not contain any documents concerning a MEB. Consequently, the Board could not review or determine the medical condition that led to your discharge. Your file also does not contain your administrative separation package; therefore, the Board determined the presumption of regularity applies in your case. A presumption of regularity in the conduct of governmental affairs applies unless there is substantial material evidence to rebut the presumption. In reviewing the evidence you submitted, the Board concluded it was insufficient to overcome the presumption. Specifically, the Board determined the VA rating, by itself, was insufficient evidence that you were misdiagnosed while on active duty. Consequently, the Board presumed you were properly diagnosed with a Condition, Not a disability that prevented you from completing your obligated service.

In sum, in its review and liberal consideration of all the evidence, the Board did not observe 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,

10/16/2023



Executive Director

Signed by: 