



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. 6383-23
Ref: Signature Date

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Dear Petitioner:

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.

Although you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 9 November 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, applicable statutes, regulations, and policies, to include the Kurta Memo.

A review of your record shows that you entered active duty in the Marine Corps on 10 February 2014. On 11 January 2018, you went to the Naval Hospital █ clinic for medication for nightmares stating that the nightmares were due to traumatic events in your life that you repressed and now were manifesting in dreams. You were diagnosed with Other Specified Trauma-Related Disorder and referred to out-patient therapy. On 5 June 2018, you were found medically qualified for separation and the provider noted that you were compliant with care and released from each appointment without any duty limitations. Subsequently, you were discharged with an Honorable characterization of service from the Marine Corps, on 9 September 2018, at the completion of your required active service, assigned a RE-1A reentry code, and transferred to the Inactive Ready Reserve (IRR). Post-discharge, the Department of Veterans Affairs (VA) granted a service-connected disability for post-traumatic stress disorder (PTSD) at 80%, effective 10 September 2018. Your rating was increased to 100% effective 30 September 2019.

For your petition, you contend that your PTSD condition rendered you unfit for duty. You argue that had you been properly evaluated you would have received a disability discharge. You included your VA rating and in-service medical records to support your request.

The Board carefully reviewed your petition and the material you provided in support of your petition and disagreed with your rationale for relief. In keeping with the letter and spirit of the 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.

Regarding your request for a disability discharge, the Board found there was insufficient evidence that you were suffering from an unfitting condition prior to discharge on 9 September 2018. The Board noted you were promoted to sergeant on 1 October 2017 and had meritorious service up until separation. The Board did not find your argument that you suffered from a disability at the time of your discharge persuasive as you were not on limited duty and you were medically cleared to separate. Moreover, the Board noted your argument for a medical discharge is based on the VA decision to issue you service connected disability ratings. The VA issues disability ratings without regard to fitness for continued naval service; a finding that is required under Navy disability regulations in order to qualify for a disability rating from the Marine Corps. In addition, the Board noted you have a reentry code of RE-1A; documenting that you were recommended and eligible for re-enlistment based on a medical finding that you were fit for continued naval service. While the Board empathizes with your financial difficulties and need for veterans benefits, the Board absent a material error or injustice, the Board declined to summarily change a record solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. 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,

12/3/2023

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Executive Director

Signed by: 