



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. 6777-23
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.

A three-member panel of the Board, sitting in executive session, considered your application on 24 October 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 with 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 entered active duty in the Navy on 17 May 2022 and you were discharged on 19 July 2022. Your DD Form 214, Certificate of Release or Discharge from Active Duty states Erroneous Entry as the narrative reason for separation and you received an uncharacterized characterization of service.

For your petition you request to be medically retired, to change your characterization of service to honorable, and to change your narrative reason for separation to medical discharge due to your diagnoses of liver fibrosis from Chronic Active Epstein Barr Virus and Post-Traumatic Stress Disorder (PTSD). You claim that when you entered active duty your liver disease was not known and that your PTSD stems from watching someone die in service. As evidence, you provided a Department of Veterans Affairs (VA) Benefits letter dated 7 December 2022, showing you received a 100% rating and information regarding the Chronic Epstein-Barr Virus.

The Board carefully reviewed your petition and the material that 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.

In reaching its decision, the Board observed there are no medical documents in your record that indicate you were seen for mental health during your active service. Even if those did exist, the Board noted that the Naval Military Personnel Manual (MILPERSMAN) 1910-130, 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. You served a total of 2 months and 3 days. The Board concluded that more likely than not you entered the Navy with an undiagnosed liver condition that was a disqualifying physical condition for enlistment. Consequently, as a result of serving in the military for less than 180 days, the Board determine you were appropriately processed and given an uncharacterized entry level separation per MILPERSMAN 1910. In addition, 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.

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,

11/17/2023

