



**DEPARTMENT OF THE NAVY**  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

█  
Docket No. 7725-23  
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 16 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 and applicable statutes, regulations, and policies, to include the Kurta Memo.

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.

A review of your record shows you entered active duty in the Marine Corps on 11 June 2002. On 20 July 2002, you were observed crying uncontrollably after a three mile run. You were placed on bed rest and underwent a mental health evaluation on 22 July 2002. You were diagnosed with bipolar disorder, single manic episode, and recommended for administrative separation. On 30 July 2002, you were discharged from the Marine Corps with an uncharacterized entry level separation due to a condition not a disability.

In your petition, you request to have the narrative reason change from condition not a disability to "discharged because of disability." You assert you incurred a mental health condition while in service. You included a psychological evaluation dated 3 April 2023 and a letter from your

therapist. You also included your rating decision from the Department of Veterans Affairs (VA), documenting a 70% rating for Post-Traumatic Stress Disorder.

The Board carefully reviewed your petition and the material that you provided in support of your petition and it 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 reviewed your Certificate of Release or Discharge from Active Duty (DD Form 214) and noted that you served on active duty for a total of one month and twenty days. Thus, in accordance with the Marine Corps Separations Manual (MARCORSEPMAN) paragraph 6203, at the time of your discharge you were in an entry-level status, having served in the military for less than 180 days. The MARCORSEPMAN dictates that all personnel administratively separated from recruit training will be assigned an uncharacterized entry level separation except in limited cases where processing under a more serious basis is appropriate and where characterization of service under Other than Honorable conditions (OTH) is warranted. In addition, the Board determined that more likely than not you entered the Marine Corps with an undiagnosed mental health condition that was a disqualifying physical condition for enlistment, as symptoms related to your mental health condition arose less than two months on active duty service. While the Board considered the evidence you submitted in support of your application, the Board noted you were not diagnosed with PTSD or Generalized Anxiety Disorder during your brief period of active duty and the letter references a "near death experience" while you were in basic training that is not documented in any of your records. As a result, the Board was not persuaded by this evidence or the VA rating assigned to you. The Board noted that 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 discharge from the military. Therefore, 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,

12/14/2023

