



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. 8284-23
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 30 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.

A review of your record shows that you enlisted in the Navy and commenced active duty on 6 January 2015. In 2016, you received outpatient mental health treatment. On 9 December 2016, a Medical Evaluation Board (MEB) referred you to the Physical Evaluation Board (PEB) for Major Depressive Disorder. The PEB found you Unfit for continued military service and, on 27 June 2017, you were discharge and subsequently transferred to the Temporary Disability Retirement List (TDRL) for Major Depressive Disorder, recurrent. On 11 February 2019, you underwent a periodic physical examination (PPE). The Informal PEB (IPEB) reviewed that PPE and found that you were unfit for continued service but reduced your rating to 10%, warranting removal from TDRL. On 2 April 2019, you requested a Formal Board hearing. Your treating psychiatrist at the time wrote a letter regarding your condition on 21 May 2019. The letter states that you suffered from "significant social isolation, detachment, hypersomnia, amotivation, anergia, chronic suicidal ideation, and avoidance, paranoia. His anxiety symptoms have also been severe and have contributed to his social withdrawal and isolation...I do not think he would be able to sustain meaningful employment at this time." You underwent a formal board hearing on 6 June 2019 and, upon hearing testimony, the PEB determined your disability warranted

placement on the Permanent Disability Retirement List (PDRL) at a 30% rating for Major Depressive Disorder. You were later transferred to the PDRL effective 1 July 2019.

In your petition, you request to be removed from the PDRL and to be separated in accordance with the 20 March 2019 IPEB finding of Unfit at 10%. You contend that you will not be able to fully recover while still being attached to the Navy and ask to be removed from PDRL for your health and well-being.

The Board carefully reviewed your petition and the material that you provided and disagreed with your rationale for relief. In reaching its decision, the Board noted your contentions about the traumatic and stressful events you experienced in service, and took into consideration your claim that continued placement on the PDRL was having an adverse impact on your current health. However, the Board found no evidence regarding why your placement on the PDRL was in error or unjust. The Board noted you underwent a thorough examination in 2016, and the PEB deemed you unfit for continued military service due to Major Depressive Disorder. Two years later, after reviewing additional medical examinations and evidence provided at the formal hearing the PEB confirmed that your disability was severe enough for placement on PDRL. The Board held that there was more than a preponderance of evidence to support the findings of the PEB. Consequently, while the Board empathizes with your desire to remove yourself from the Navy to achieve closure, the Board determined there was insufficient evidence your placement on the PDRL was in error or unjust. 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,

12/26/2023



Executive Director

Signed by: 