



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. 9679-23
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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 11 January 2024. The names and votes of the panel members 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.

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 revealed that you enlisted in the Marine Corps and commenced active duty on █. On █ you were reviewed by the Mental Health Unit, which made the following remarks:

This is SNR's second evaluation at MHU. Recruit has been at █ for approximately two weeks and has completed 6 training days. Recruit was recommended by MHU on █ to be dropped from training for Failure to Adapt. It was then recommended that SNR be retained in training by medical. During this evaluation, SNR continued to report depressed mood, lack of motivation and decreased energy. He also reports that he has thought about

jumping head first off of the third deck balcony. SNR's symptoms will not likely improve if retained in training. Recruit denied current suicidal or homicidal ideation. Recruit convincingly agreed to immediately notify his leadership if he were at risk for harm to self or others. Recruit is currently deemed to be at low risk for harm. Recruit has low motivation to continue in recruit training. Prognosis for successful completion of training if recruit is retained is poor.

On [REDACTED], the Medical Disposition Officer wrote to your commanding officer, stating:

2. It is recommended that this recruit be transferred to the Recruit Separation Platoon (RSP) as soon as possible, and placed in a light duty status while awaiting administrative separation.
3. Medical reason for separation: SUICIDAL IDEATION, DNEPTE and WORK.RELATED STRESS, DNEPTE
4. Type of separation recommended: FAILURE TO ADAPT.

In your petition, you request that your record be changed to remove the notation in your service medical record that states, "Suicidal Ideation, DNEPTE." In support of your request, you contend that a different medical record, contemporaneous to your service, indicated that you stated you did not have any ideation of hurting yourself and that you were only saying you would because you were determined not to return to training.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that there was insufficient evidence that the medical records in question are erroneous. Specifically, the Board observed that the medical records were kept in the normal course of operations of the medical unit involved, the medical unit involved regularly maintained medical records in carrying out its mission, and that the document reflected the perceptions of the medical provider at or near the time of your medical evaluation. While you noted that there is information in other records that describe that you withdrew or retracted your prior statement relating to your suicidal ideation, the Board determined such information did not render the medical record at issue to be in error. The Board determined that, in the interest of the Department of the Navy and Marine Corps maintaining regularity in its operations, it would be appropriate to maintain all of the records, which could be viewed in context to each other if there were ever any need for review of such records. In addition, the Board did not observe any injustice in the Department of the Navy or Marine Corps maintaining complete and accurate medical records of treatment provided to its members while such members are in service. 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,

2/5/2024

