



Release or Discharge from Active Duty (DD Form 214) failed to document your narrative reason for separation and separation code.

You previously petitioned the Board to change your diagnosis as listed in your service record, your narrative reason for separation and separation code on your DD Form 214, and to grant a disability discharge. On 20 April 2023, the Board determined insufficient evidence existed to grant your request for a disability discharge. However, on 18 September 2023, the Board determined your narrative reason for separation, separation authority, separation code, and reentry code should be changed to reflect a Secretarial Authority discharge. The Board granted partial relief directing that you be issued a new DD Form 214 indicating, for the period ending 17 January 1975, the narrative reason for separation as "Separation for other good and sufficient reasons when determined by the Secretary of the Navy," the separation authority as BUPERSMAN 3850220," the separation code as "JFF," and the reentry code as "RE-1."

For this petition, you request a medical retirement based on Post-Traumatic Stress Disorder (PTSD). You claim you should have undergone a medical review board for fitness for duty as there were in-service stressors that aggravated your mental health and led to PTSD. You claim those stressors were a June 1974 hemorrhoidectomy and an October 1974 hospitalization for Hepatitis B. You again claimed that your immature personality diagnosis was unjust. You included documents from the Department of Veterans Affairs (VA), showing the VA rated you for PTSD in 2018.

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. These included, but were not limited to, your contention that you deserve a medical discharge because at the time you were discharged you suffered from a mental health condition.

In reaching its decision, the Board observed there is no evidence that the personality disorder diagnosis you received in 1974 was incorrect. The diagnosis was based on facts and circumstances that existed at the time. The Board again found no evidence that the diagnosis was improperly made. Moreover, the Board noted that your DD Form 214 does not contain the diagnosis in the narrative section and thus there is no potential stigma from public disclosure of the diagnosis in the document.

Further, the Board observed that a personality disorder is not considered a disability under Navy Regulations. Therefore, the Board found you were properly notified of the diagnosis, the fact that it was not a disability, and you signed documents acknowledging your administrative separation for unsuitability.

Finally, the Board was not persuaded by your VA evidence. First, the Board noted your PTSD was service-connected over forty years after discharge. The Board found too many potentially intervening factors existed to determine whether your PTSD was symptomatic when you were discharged. Second, the Board noted eligibility for compensation and pension disability ratings

by the VA is manifestation-based without a requirement that unfitness for military duty be demonstrated.

In light of the standards for determining unfitness that is applicable to the Disability Evaluation System, the Board did not discern any facts that would support you being eligible for a disability retirement based on PTSD. Rather, the evidence of record demonstrates that you were discharged based on “repeated refusal to cooperate in military matters” and that you frequently demonstrated “hostile, manipulative behavior.” As a result, 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,

2/1/2024

