



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

█  
Docket No. 585-24  
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 25 April 2024. 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 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 began accession training in █ on 28 May 2022. On 2 August 2022, you began to have muscle spasms, every 10-20 seconds, in your neck and went to medical. You were evaluated in the emergency room at Newport Hospital, and given medication for treatment. However, you continued to have these symptoms and, consequently, you were removed from Officer Candidate School training on 18 August 2022. In December 2022, you diagnosed you with a functional tic disorder. On 19 January 2023, the Commanding Officer, █ submitted a record of disenrollment noting you had been in training for less than three months and that you were not physically qualified. Ultimately, you were discharged, on 10 February 2023, with an Honorable characterization of service; the narrative reason for your separation stated: Failed Medical/Physical Procurement Standards. On 11 May 2023, the Department of Veterans Affairs (VA) service-connected your functional tic disorder at a 0 percent rating.

For this petition, you request a medical discharge as you were service connected for the functional tic disorder by the VA and argue you were denied VA benefits as you did not receive a medical discharge from the Navy.

The Board carefully reviewed your petition and the material that you provided in support of your petition, and disagreed with your rationale for relief. The Board observed you were discharged under Military Personnel Manual 1910-130, which authorizes a service member to be separated on the basis of not meeting physical standards for enlistment when there is evidence that the member did not meet the minimum physical standards for enlistment or induction upon entry, but the problem was revealed or discovered during introductory training. The Board noted less than three months into training at [REDACTED] you developed muscle spasms. Although not noted in your entrance exam, if this neurological condition was discovered prior, you would not have been able to enlist. The Board determined, based on the timeline of when you became symptomatic, that your condition, more likely than not, preexisted your entry into the Navy and was disqualifying for entry. Absent substantial evidence to the contrary, the Board determined the presumption of regularity applies in your case. Finally, absent a material error or injustice, the Board declined to summarily change a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities. In sum, 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,

5/14/2024

