



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. 1968-24
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.

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 1 August 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 Kurta Memo.

A review of your record shows that you entered the Naval Reserve and began initial active duty training on 13 September 1984. You completed your initial training and were released, on 20 December 1984, to your Reserve unit. From 1 January 1985 until 31 December 1986 your record shows that you participated in the Naval Reserve and earned satisfactory points for two anniversary years. In 1987, you did not participate in the Naval Reserve; consequently, you were discharged with an Other Than Honorable (OTH) characterization of service, on 14 November 1987, due to unsatisfactory participation the Naval Reserve.

For this petition, you request a medical discharge. You contend that while in service you were suffering from the effects of bipolar disorder, but you were not diagnosed until post-service. The Board carefully reviewed 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.

The Board noted you did not submit any evidence, other than your personal statement, to support your contentions. Specifically, there is no evidence that you are diagnosed with bipolar disorder, were hospitalized for a mental health condition after you separated from the service, or unable to perform the duties of your office, grade, rank or rating as a result of a mental health condition. In making this finding, the Board also noted you did not provide evidence that you applied for line of duty benefits as a reservist. Therefore, even if you were diagnosed with a mental health condition while in the Reserve, the Board determined there was insufficient evidence your condition was incurred or aggravated during a period of qualifying active duty service. Finally, the Board noted you were discharged for misconduct that resulted in an OTH characterization of service. As a result, the Board also determined you were ineligible for disability processing due to your misconduct. 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,

8/14/2024

