



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

█  
Docket No. 3727-24  
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 5 September 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, applicable statutes, regulations, and policies to include the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo).

A review of your record shows that you are a Chief Petty Officer in the Naval Reserve. You claim you were notified of being a Chief Petty Officer Selectee and subsequently went on Reserve Component (RC) inactive duty training, from 28 August 2021 to 29 August 2021, for Chief Initiation. You contend during that weekend you were verbally and mentally abused which caused various anxiety and concentration issues to include insomnia, leading to a diagnosis of Post-Traumatic Stress Disorder (PTSD) and an accident the next morning.

You submitted a request for Line of Duty Healthcare (LOD-HC) benefits for your diagnoses of generalized anxiety disorder, depressive disorder-recurrent, obstructive sleep apnea, and insomnia disorder with co-occurring PTSD. The Benefits Issuing Authority (BIA) denied your LOD-HC benefits and you appealed to the Office of the Judge Advocate General (OJAG). On 5 March 2024, OJAG Code-13 partially granted your request. OJAG found the record established by the preponderance of the evidence that your conditions of generalized anxiety disorder and depressive disorder-recurrent were aggravated by your reserve inactive duty training and granted those conditions as eligible for LOD-HC benefits. However, OJAG noted the evidence failed to support your claim that the conditions of obstructive sleep apnea,

insomnia, and PTSD were incurred or aggravated by your RC inactive duty training. OJAG found the medical evidence showed that those conditions pre-existed your period of inactive duty training and were not aggravated during the time period.

You requested the Board to find your PTSD eligible for LOD-HC benefits. You contend your PTSD was aggravated during inactive duty training and negatively impacted your civilian employment and ability to continue in the Naval Reserve. You included letters from your civilian psychologist, employer, Department of Veterans Affairs psychologist, Licensed Professional Counselor, and psychotherapist to support your contentions.

The Board carefully reviewed your petition and the material 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. In reaching its decision, the Board noted per your medical record, you had been diagnosed with overlapping and similar diagnoses prior to your inactive duty training. Furthermore, the Board noted you had the opportunity to provide the BIA all of the medical evidence to support your contentions, and that OJAG reviewed these medical records prior to making the decision to grant LOD-HC benefits for two of the five conditions you were requesting. The Board in its review and liberal consideration of all the evidence, concurred with the OJAG findings and determined there was no error or injustice in their decision. 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,

9/26/2024

