



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. 7019-24
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 31 October 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 25 August 2017 Office of the Under Secretary of Defense for Personnel and Readiness Memo (Kurta Memo).

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 shows that you enlisted in the Naval Reserve and commenced active duty on 3 March 2020. You were hospitalized at the █ Department of Veterans Affairs (VA) Hospital from 22 to 27 September 2021 due to suicidal ideations and your discharge diagnosis was Bipolar II. After inpatient discharge, you were referred to a partial-hospitalization program from 28 September to 26 October 2021. On 23 November 2021 you were referred to a medical evaluation board (MEB). On 27 January 2022, the MEB referred you to the Disability Evaluation System (DES) for Bipolar II and asthma. On 8 June 2022, the Physical Evaluation Board (PEB) found you Unfit for continued military service for Bipolar II Disorder and asthma. On 15 June 2022, you accepted those findings. You were subsequently discharged on 27 September 2022 and placed on the Permanent Disability Retirement List (PDRL) with an 80% rating.

In your petition, you request to be removed from the PDRL in order for you to join the Navy Nurse Corps. You contend your bipolar diagnosis was inaccurate and that the correct diagnosis is Major Depression Disorder (MDD). To support your claim, you included a 1 July 2024 letter from a VA physician stating she believed you were misdiagnosed with Bipolar Disorder and that your current diagnosis was MDD, recurrent, in remission.

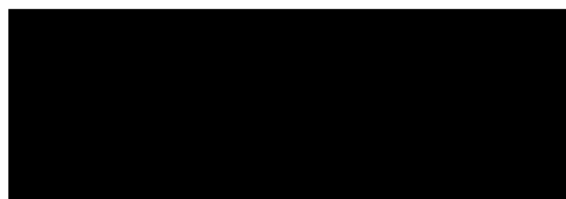
The Board carefully reviewed your petition and disagreed with your rationale for relief. In reaching its decision, the Board noted your contentions about the stressful events you experienced in service, and took into consideration your claim that continued placement on the PDRL would adversely affect your aspiration to serve in the Navy Nurse Corps. However, the Board found insufficient evidence to support a finding that your placement on the PDRL was in error or unjust. The Board noted you underwent repeated examinations by the VA in 2021 and the VA diagnosed you with Bipolar II disorder after a six-day inpatient hospitalization. In addition, your diagnosis was continued after a six week program. The 15 December 2021 examination noted: "what was initially diagnosed as Adjustment Disorder has developed into a stable pattern of alternation and mood between episodes of hypomania and episodes of depression consistent with Bipolar II Disorder." Moreover, a psychologist at Naval Medical [REDACTED] also found you unfit for continued service, noting your "mood lability, impulsivity, irritability, disrupted sleep, and inattentiveness directly impeded [your] ability to work." Consequently, the Board determined there was more than a preponderance of evidence that at the time of your discharge you had a mental health condition that made you unfit for full military duties. Although your current medical provider has diagnosed you with major depressive disorder in remission, the Board noted that this diagnosis occurred two years post discharge while you were removed from a military environment. Therefore, the Board found this change in diagnosis was insufficient evidence that placement on the PDRL was in error or unjust warranting removal. Finally, the Board noted you were also found unfit for asthma and provide no evidence this diagnosis was erroneous or unjust.

As a result, even in light of the Kurta Memo and reviewing the record liberally, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested. 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,

11/24/2024

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