



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

[REDACTED]
Docket No. 8121-24
Ref: Signature Date

[REDACTED]
[REDACTED]
[REDACTED]

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 Board waived the statute of limitation 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 7 March 2025. The names and votes of the panel members 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 the 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 to the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo). The Board also considered the advisory opinion (AO) of a qualified mental health provider. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

You enlisted in the Navy and began a period of active duty on 2 October 2008. Your entrance physical, on 23 February 2008, noted no significant medical history reported by you. On 21 November 2008, you were issued an administrative counseling advising you that you were not eligible for reenlistment due to a pre-existing medical condition which rendered you unqualified to meet entry-level procurement standards. Consequently, on 8 December 2008, you were administratively discharged with a narrative reason for separation which specified that you had failed to meet required medical or physical procurement standards. Based on your two months and seven days of total active duty service, you were issued an uncharacterized entry-level separation (ELS).

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie, Kurta, and Hagel Memos. These included, but were not limited to, your desire to upgrade your discharge to “Honorable” and your contentions that you suffer nerve damage and glaucoma from experiences during boot camp. You also believe that an Honorable characterization of service would remove the “stigma” of your uncharacterized service and grant access to crucial benefits; in addition to assisting your ability to support your family. In support of your contentions and for the purpose of clemency and equity consideration, you provided evidence of the determination by the Department of Veterans Affairs (VA) of service-connected disability for major depressive disorder with somatic symptom disorder, your treatment records, your marriage certificate, and two character references.

Because you contend, in part, that post-traumatic stress disorder (PTSD) or another mental health condition affected the circumstances of your discharge, the Board also considered the AO. The AO stated in pertinent part:

The Petitioner provided evidence of service connection for Major Depressive Disorder with Somatic Symptom Disorder, effective November 2023. He presented June 2024 mental health treatment records. He submitted evidence of character and post-service accomplishment, and a statement of support.

There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. Temporally remote to his military service, the VA has granted service connection for a mental health condition. Unfortunately, available records are not sufficiently detailed to establish a nexus with his separation, which is due to failed medical standards. Additional records (e.g., post-service mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, “it is my clinical opinion that there is post-service evidence from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence of a diagnosis of PTSD. There is insufficient evidence to attribute his failure of medical standards to a mental health condition.”

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your uncharacterized ELS remains appropriate. In making this finding, the Board concurred with the clinical opinion that your failure to qualify for the minimum medical standards required for enlistment or induction is not reasonably attributable to your contended mental health concerns. More significantly, the Board found no evidence of error or injustice in your entry-level discharge since your active service fell substantially short of being greater than 180 days; which is required for a characterized service except in unusual circumstances not applicable to your discharge. Although you may believe that uncharacterized service carries a “stigma,” the Board found that your uncharacterized ELS was consistent with all applicable regulations of the Department of the Navy and applied to any service member who is discharged under similar circumstances. Therefore, the Board disagreed with your assertion that your uncharacterized discharge carries any negative stigma with respect

to your performance or conduct. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

Therefore, while the Board carefully considered the evidence you submitted in mitigation, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. 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 the 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 is attached 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,

3/31/2025

