



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

██████████
Docket No. 8265-24
Ref: Signature Date

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Dear Petitioner:

This is in reference to your reconsideration request 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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 November 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.

A review of your record shows that you enlisted in the United States Naval Reserve. You commenced a period of active duty from 2 January 2004 and were forward deployed to Iraq from 1 February 2004 to 9 September 2004. On 17 November 2007 you re-enlisted for six years. On 13 February 2014, you received Annual Training orders for 16 February to 3 March 2014. On 23 February 2014, you were admitted to ██████████ Center due to suicidal ideation and diagnosed with Major Depressive Disorder, moderate, recurrent, Alcohol Use Disorder and History of Post-Traumatic Stress Disorder.

On your last evaluation, from 16 March 2013 to 7 March 2014 you received a recommendation for retention and promotion. An administrative remarks document in your service record states you were discharged, on 18 June 2015, due to separation by reason of physical disability with a characterization of service of General (Under Honorable Conditions).

For this petition, you request placement on the Permanent Disability Retirement List (PDRL) due to the Department of Veterans Affairs (VA) granting you individual unemployability status effective 2 March 2021.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case. These included, but were not limited to, your desire for a disability discharge based on your VA status.

After thorough review, the Board determined that, while there was evidence you were diagnosed with a mental health condition (MHC) while during your military service, there was insufficient evidence to establish that your MHC was an unfitting condition. The Board noted, other than the discharge summary of 26 February 2014, you did not provide any additional medical information regarding your condition or treatment and you did not provide your entire medical record. There is no evidence that a medical provider found your MHC limiting to your continued service.

The Board further noted in order to qualify for a medical discharge, a medical provider refers a service member to a physical evaluation board (PEB) if they believe the member has a disability that prevents them from continued service. Under Secretary of the Navy Instruction 1850.4E, certain medical conditions are not deemed disabilities and do not warrant referral to the PEB. Moreover, the Board found that it relies on a presumption of regularity to support the official actions of Navy personnel and, in the absence of substantial evidence to the contrary, will presume that Navy personnel have properly discharged their official duties. The Board concluded medical personnel did not consider your condition a disability warranting referral to the disability processing system. Additionally, in order to qualify for referral to the Disability Evaluation System, a disability condition must be incurred or aggravated during a qualifying period of active duty. Reservists are required to obtain a line of duty determination that certifies that a disability condition meets the eligibility criteria. The Board found no evidence you requested or were granted such a determination. Finally, the Board noted that VA eligibility determinations for health care, disability compensation, and other VA-administered benefits are for internal VA purposes only. Such VA eligibility determinations or disability ratings are not binding on the Department of the Navy.

In light of the foregoing, the Board did not discern any facts that would support you being eligible for a medical retirement. 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,

1/16/2025

