



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

██████████
Docket No. 9375-24
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 25 April 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 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, 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). Additionally, the Board also considered an advisory opinion (AO) furnished by qualified mental health provider. Although you were provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the U.S. Navy and began a period of active duty service on 6 February 2019. You contracted for a guaranteed option as a "Culinary Specialist – Submarine." Your pre-enlistment physical examination, on 19 November 2018, and self-reported medical history both noted no psychiatric or neurologic symptoms, conditions or issues.

On 19 June 2019, you underwent a medical evaluation for stress management. The Medical Officer (MO) noted you reported multiple stressors and diagnosed you with an "occupational problem." The MO noted that you did not present with symptoms or complaints of symptoms of

mental health disorders, and that your narrative of events was entirely focused on occupational problems.

On 2 July 2019, you underwent a mental health evaluation due to your multiple family related stressors and your geographic separation from your spouse. The MO diagnosed you with an “adjustment disorder, unspecified,” considered you unsuitable for continued service, and recommended your administrative separation. The MO’s diagnostic reasoning was as follows:

The patient did not present with symptoms or complaints of symptoms of mental health disorders. His narrative has been entirely focused on occupational problems that may be associated with personality disorder or traits. He does not appear to have the ability to adapt to a military environment and will almost certainly have issues of performance.

Following your mental health evaluation, your command notified you that you were being processed for an administrative discharge from the Navy by reason of convenience of the government due to a physical condition (not a disability). Ultimately, on 26 July 2019, you were discharged from the Navy with an uncharacterized entry level separation (ELS) and assigned an RE-3G reentry code. In this regard, you were assigned the correct characterization, narrative reason for separation, and reentry code based on your factual situation.

On 23 July 2020, the Naval Discharge Review Board (NDRB) denied your discharge upgrade application. The NDRB noted, in part:

An Uncharacterized discharge is warranted when separation is initiated while a member is within the first 180 days of continuous active duty except when the characterization of service as Under Other Than Honorable Conditions (UOTHC) is authorized or Honorable is clearly warranted. The Applicant had no misconduct that would rate an UOTHC discharge, and there was insufficient evidence of unusual circumstances involving person conduct and performance that would merit an Honorable characterization.

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 Memo. These included, but were not limited to, your desire for a discharge upgrade and contentions that: (a) you were diagnosed with PTSD, migraines, “drinking alcohol very heavy,” and other medical concerns after an event in late June or early July 2019 during firefighting training, (b) after the event, you struggled to complete the training because you couldn’t focus because you panicked it would happen again, (c) in the weeks that followed you couldn’t sleep and kept experiencing flashbacks about the fire, and months later you were still experiencing nightmares, (d) you eventually went to the Department of Veterans Affairs for therapy and were diagnosed with PTSD, migraines, and other medical concerns, and (e) these medical conditions are ongoing issues with interfere with your social and work life. For purposes of clemency and equity consideration, the Board considered the totality of the documentation you provided in support of your application.

A licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records and issued an AO dated 14 January 2025. As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

In June 2019, he was evaluated after being referred for stress management and difficulty with the submarine environment. He received no mental health diagnosis, and an Occupational Problem was noted. The clinician explained that he "did not present with symptoms or complaints of symptoms of mental health disorders. His narrative was entirely focused on occupational problems."

In July 2019, the Petitioner had follow-up appointments with mental health. He "stated that he worked in the Galley for the first time and could see that he will have trouble in that environment. He...decided that he is not really suitable for the Navy on either subs or the surface." He was diagnosed with an Adjustment Disorder, Unspecified. The provider noted that "his narrative has been entirely focused on occupational problems that may be associated with personality disorder or traits. He does not appear to have the ability to adapt to a military environment and will almost certainly have issues of performance." He was discharged with an uncharacterized service.

The Petitioner has been granted service connection for PTSD, effective July 2019. He contended that he incurred a traumatic incident during firefighter training, in which he knocked into the fire and unobserved due to thick smoke. He stated that afterwards he experienced fears that it would happen again, which contributed to his separation from service.

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His Adjustment Disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. After separation from service, the VA provided treatment for his mental health condition, and later granted service connection for PTSD. Unfortunately, there is insufficient evidence of error in his in-service diagnosis. More weight has been given to his in-service report of occupational difficulties adjusting to the military environment over his post-service report of a traumatic incident that precluded his ability to continue in service.

The Ph.D. concluded, "it is my clinical opinion that there is in-service evidence of a mental health condition that may be attributed to military service. There is post-service evidence from the VA of a diagnosis of PTSD that may be attributed to military service. There is insufficient evidence of error in his in-service diagnosis or the circumstances of his separation."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. In accordance with the Kurta, Hagel, and Wilkie Memos, 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.

However, based upon its review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board determined that your Navy service records and DD Form 214 maintained by the Department of the Navy contained no known errors. Based on your precise factual situation and circumstances at the time of your discharge, the Board concluded that your command was justified in separating you for a “condition, not a disability” with an ELS discharge characterization.

The Board noted that separations initiated within the first 180 days of continuous active duty will be described as ELS except when an Honorable discharge is approved by the Secretary of the Navy in cases involving unusual circumstances not applicable in your case. Additionally, the Board agreed with the AO that there is insufficient evidence of error in your in-service diagnosis or the circumstances of your separation. The Board noted you were never diagnosed with a qualifying disability condition that would have warranted your referral to the Disability Evaluation System and no medical provider determined your systems merited a medical board.

As a result, the Board determined that there was no impropriety or inequity in your discharge, and the Board concluded that your occupational problem and adjustment disorder clearly merited your uncharacterized ELS discharge. 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 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,

5/5/2025

