



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

██████████
Docket No. 9642-24
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 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 13 February 2025. 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 and applicable statutes, regulations, and policies.

A review of your record shows that you enlisted in the Navy and commenced active duty on 22 May 2018. Your official military personnel folder (OMPF) does not contain your discharge documentation, including the medical findings associated with your discharge. However, you provided a 20 April 2019 letter from your commanding officer transmitting your discharge to Commander, Navy Personnel Command. The letter states that he based his decision on the recommendation of a mental health professional, who recommended that you be separated from active service so that you could concentrate on your health. You were discharged on 17 July 2019 with an Honorable characterization of service due to condition, not a disability.

In your petition, you request to have your condition, not a disability, narrative reason for discharge changed to a medical retirement. In support of your request, you contend that, post-service, you were rated by the Department of Veterans Affairs (VA) for post-traumatic stress disorder (PTSD) and other mental health conditions. You provided a personal statement, documentation from the VA reflecting your post-service disability rating, a letter from a clinical psychologist, as well as service and medical records in support of your petition.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board disagreed with your rationale for relief. In reaching its decision, the Board observed that in order to qualify for military disability benefits through the DES with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health of the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. The Board also considered that it relies upon a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties.

As applied to your request, a review of the available documents reveals that, while you were in service, you were found to have a condition that was not considered an unfitting condition within the meaning of the DES. Rather, your condition was deemed to be a condition, not a disability. In fact, the Board observed that your OMPF does not contain, nor have you provided, any documentation reflecting that, while you were in service, you were diagnosed with an unfitting condition within the meaning of the DES. Similarly, the Board observed a lack of any documentation from your chain of command or any service medical providers, while you were in service, which recommended that you be reviewed by a medical evaluation board for placement into the DES. With respect to your reliance on post-service ratings by the VA to support your request, the Board did not find this to be persuasive because eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. Thus, in light of the foregoing, the Board observed that you provided insufficient evidence to rebut the presumption of regularity. 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,

3/10/2025

