



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

██████████  
Docket No. 9836-24  
Ref: Signature Date

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Dear ██████████

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 12 December 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 and applicable statutes, regulations, policies, and the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (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 and began active duty service in the United States Navy on 6 June 2002. According to the available medical records, you deployed to Iraq in 2008. You were seen in 2015 and in 2016 by mental health professionals due to an increase of stress symptoms, and you were diagnosed with Other Specified Trauma and Stressor Related Disorder. Your providers stated that your symptoms did not meet the full criteria for Post Traumatic Stress Disorder (PTSD). You were found Fit for full duty and subsequently discharged from active duty with an honorable characterization of service on 5 June 2016, at the completion of your required active service. You then transferred to the United States Navy Reserve (USNR). Upon discharge you filed for Department of Veterans Affairs (VA) benefits and received a rating of 70% for PTSD.

You continued your career in the Naval Reserve and in 2022 submitted a request to be transferred to the Retired Reserve. On 6 March 2023, Commander, Navy Personnel Command (PERS-9) notified you that the Chief of Navy Personnel authorized your transfer to Retired Reserve status effective 1 March 2023.

For this petition, you request a medical retirement stating that you should have been medically retired due to PTSD. You submitted medical records, character letters with respect to an administrative separation board, VA records and VA rating decisions to support your claim.

In keeping with the letter and spirit of the Kurta Memo, 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, to include whether they qualified you for the military disability benefits you seek. The Board carefully reviewed your petition and the material you provided in support of your petition and concluded there was insufficient evidence to warrant relief.

In reaching its decision, the Board noted for Reserve service members to be eligible for a disability retirement, their injuries or medical conditions have to be determined to have been sustained or exacerbated while in a duty status via a Line of Duty Benefits (LOD-B) determination. If a Reserve Member is granted a LOD-B, then the member can enter the Disability Evaluation System (DES); this process determines if a medical condition prevents the member from continued service and warrants a disability discharge. Notwithstanding the absence of an in-LOD determination in your record, the Board nevertheless analyzed whether you would otherwise be eligible for a service disability retirement. In this analysis, the Board assumed for the sake of argument that you had an in-LOD determination, and 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 or 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. In reviewing your record, the Board concluded the preponderance of the evidence does not support a finding that you met the criteria for unfitness as defined within the DES at any time during your career.

The Board noted in 2016 you were evaluated by qualified medical personnel who found you fit for duty and qualified to transfer to the USNR. The Board further noted you served satisfactorily in the USNR, and you were consistently found medically qualified to continue service. You did not provide any service documentation to support the claim that you had duty limitations as a result of PTSD or any other condition, and there is absolutely no documentation that the service found you medically disqualified.

Finally, the Board noted your argument for a medical retirement is partially based on the VA decision to issue you service-connected disability ratings. The Board was not persuaded by your VA evidence since 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.

In light of the foregoing, the Board did not discern any facts that would support you being eligible for a medical retirement. As the Board did not observe any error or injustice in your naval records, the Board concluded 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,

2/5/2025

