



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

██████████  
Docket No. 9978-24  
Ref: Signature Date

██  
██████████  
██

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.

A three-member panel of the Board, sitting in executive session, considered your application on 21 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 and applicable statutes, regulations and policies.

A review of your record shows you enlisted in the Navy and commenced active duty on 17 March 2021. On 20 February 2022, you were evaluated at ██████████  
██████████ for suicidal ideation and directed to follow-up with a psychiatrist. On 8 March 2022, you visited a civilian medical center, ██████████  
██████████ due to anxiety and were diagnosed with an anxiety attack.

Your Official Military Personnel File is incomplete in that it does not contain all the documentation associated with your administrative separation processing; however, based on a review of the supporting documents you submitted, on 26 March 2022, Commanding Officer, ██████████, recommended Commander, Navy Personnel Command (PERS 832), separate you by reason of convenience of the government due to "medical condition not amounting to a disability" based on your diagnosis of Adjustment Disorder with Mixed Anxiety and Depressed Mood. On 25 April 2022, you were discharged from the naval service with an honorable characterization of service due to "condition, not a disability" and assigned a RE-4 reentry code.

In your petition, you have requested correction of your separation reason to reflect "disability" because you contend you were discharged due to a service-connected disability, specifically, "mental health issues." You contend the correction of block 28 (narrative reason for separation)

on your Certificate of Release or Discharge from Active Duty (DD Form 214) is warranted because “it affects the percentage of [your] post-9/11 GI Bill education benefit.” Specifically, the Department of Veterans Affairs (VA) Certificate of Eligibility currently indicates you are entitled to receive 50% of the amount payable rather than the 100% you contend you are entitled to because you “served on active duty at least 30 continuous days without a break and [were] discharged because of a service-connected disability.”

The Board carefully reviewed your petition and the material you provided in support of your petition and disagreed with your rationale for relief. In reaching its decision, the Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of his/her office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if his/her 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 you met the criteria for unfitness as defined within the DES at the time of your discharge. In particular, the Board observed you failed to provide evidence you had any unfitting condition within the meaning of the DES. Applying a presumption of regularity, the Board determined that if you actually had a medical condition, including a mental health condition, under circumstances that warranted your referral to a medical board, you would have been so referred.

With respect to your reliance on post-service findings by the VA, the Board considered that the VA does not make determinations as to fitness for service as contemplated within the service DES. Rather, 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. Therefore, the Board was not persuaded by the VA determinations in your case. Accordingly, given the totality of the circumstances, the Board determined 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

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Executive Director

Signed by:

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