



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

██████████
Docket No. 10011-24
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.

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.

The Board determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows you enlisted in the Marine Corps and commenced active duty on 11 July 2022. At the end of November 2022, you joined the Intel Training School at ██████████. On 27 July 2023, a Separation Mental Health Assessment in your record indicates you were being treated for recent suicidal ideation. In a 28 July 2023 Report of Medical Examination, the Separation History and Physical Examination (SHPE) Coordinator noted you were "fit for duty" and "cleared to separate." On 15 November 2023, Commanding Officer (CO), ██████████, ██████████, ██████████, notified you of his intention to process you for administrative separation by reason of convenience of the government due to "Condition, Not a Disability" due to being diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood. You elected to consult counsel but waived all other rights. By memorandum of 22 November 2023, Staff Judge Advocate, Training Command, determined the administrative separation proceedings were sufficient in law and in fact. On 28 November 2023, the Separation Authority, Commander, Training Command, noted

your medical condition interferes with your performance of duty and “is not a ratable disability.” Further, the Commander determined you had no potential for future military service in the Marine Corps and directed your CO to discharge you with a General (Under Honorable Conditions) characterization of service, due to “condition, not a disability,” and assign a RE-3P reentry code. On 1 December 2023, you were so discharged

In your petition, you have requested to be medically retired with an Honorable characterization of service “and corrections made to [your] record.” In your statement, you worded the request for relief as “an upgrade in discharge to Honorable status and an opportunity to be medically discharged.” You contend your “care was grossly mishandled, causing severely negative impacts to [your] physical, medical, and psychological well-being” and ultimately leading to “an abrupt medical discharge.” Further, you contend your command “unfairly” administratively separated you “without provid[ing] a chance via [m]edical separation” because you “didn’t have these medical conditions prior to joining the military.” As supporting evidence, in addition to your personal statement which details your in-service medical journey, you submitted your Certificate of Release or Discharge from Active Duty (DD Form 214) and copies of the “Office and Clinic Notes” documenting your care starting in 5 June 2023. Lastly, in your statement, you contend you’ve “already been graciously granted disability at 60% due to [your] multiple diagnoses¹.”

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. You were, in fact, found to be fit for separation by the SHPE Coordinator.

With respect to your reliance on post-service findings by the Department of Veterans Affairs (VA), the Board, noting you did not provide any supporting evidence of your VA disability benefits, 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

¹ The Board noted your statement – “graciously granted disability at 60% due to [your] multiple diagnoses of” – abruptly ends.

without a requirement that unfitness for military duty be demonstrated. Accordingly, given the totality of the circumstances, the Board determined your request for a medical retirement does not merit relief.

The Board deferred consideration of your request to upgrade your characterization of service because you have not exhausted your administrative remedies with the Naval Discharge Review Board. Board regulations require Petitioners to exhaust their administrative remedies prior to applying to this Board.

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

