



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

[REDACTED]
Docket No. 10607-24
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED],
USN, XXX-XX-[REDACTED]

Ref: (a) Title 10 U.S.C. § 1552
(b) Petitioner's Case File

Encl: (1) DD Form 149

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by granting a medical discharge.

2. The Board, consisting of [REDACTED], [REDACTED], and [REDACTED], reviewed Petitioner's allegations of error and injustice on 12 December 2024 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the relevant portions of the naval record, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner entered active duty in the United States Navy on 18 August 2021. On 7 April 2022, Petitioner received nonjudicial punishment (NJP) for violating the Uniform Code of Military Justice (UCMJ), Article 107 (False Official Statement). On 11 August 2022, Petitioner received his second NJP for violating Article 87, UCMJ (Missing Movement). On 11 August 2022, Commanding Officer (CO) [REDACTED] notified Petitioner of administrative separation processing by reason of Misconduct – Pattern of Misconduct. Petitioner was advised of his rights and did not object to the separation processing. Ultimately, on 9 September 2022, Petitioner was discharged with a General (Under Honorable Conditions) characterization of service for commission of a serious offense.

c. Petitioner contends he should have been medically discharged due to a mental health condition. He submitted a Sick-in-Quarters (SIQ) chit dated 5 August 2022 and a Department of Veterans Affairs (VA) Benefits letter dated 10 October 2024 to support his request.

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CONCLUSION

Upon review and consideration of the evidence of record, the Board finds the existence of an error in Petitioner's naval record warranting partial relief. As previously discussed, Petitioner's DD Form 214 states he was discharged for "Misconduct – Serious Offense." However, this contradicts the basis for which Petitioner was notified of administrative separation processing and the final discharge authorization. Thus, the Board determined that Petitioner's narrative separation reason on his DD Form 214 is erroneous and warrants a change to "Misconduct-Pattern of Misconduct."

Despite the Board's recommendation to grant partial relief, the Board concluded the preponderance of the evidence did not support any additional correction. The Board found there was no evidence Petitioner was diagnosed with a qualifying disability condition while in service. The SIQ chit that Petitioner provided expired within four days and only required follow-up as needed. Further, there was no diagnosis nor placement on light or limited duty. Moreover, the Board was not persuaded by Petitioner's argument a medical discharge was supported by the VA's decision to issue a service connected disability rating in 2024. The Board noted that 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.

RECOMMENDATION

In view of the above, the Board recommends the following corrective action:

Change Petitioner's narrative reason for separation to "Misconduct – Pattern of Misconduct" and change Petitioner's SPD to the corresponding code.

Note: Navy Personnel Command will correct any other entries affected by the Board's recommendation and will issue a DD Form 215 or a new DD Form 214, whichever one they deem appropriate, that reflects the Board's corrective action.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further changes be made to Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing

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corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

2/6/2025

