



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

██████████  
Docket No. 10981-24  
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.

A review of your record shows you enlisted in the Navy and commenced active duty on 17 November 2020. At the end of April 2021, you reported to the ██████████ (██████████) for duty. On 14 October 2021, you presented to Naval Medical Center ██████████ (██████████) due to suicidal behavior; specifically, a plan to jump off the ship. You were admitted to ██████████ for five days; during which time you endorsed some improvements, and ultimately resolution, of your symptoms. In his "Non-Personality Disorder Recommendation Letter," your mental health provider noted your diagnosis "was determined to be most consistent with Adjustment Disorder with Mixed Anxiety and Depressed Mood" because the "marked distress [was] out of proportion to the severity of the stressor causing significant impairment, suicidal behaviors, anxiety, and persistent mood symptoms." The provider also noted your medical condition was "incompatible with military service but [did] not amount to a physical disability" nor did it serve as a basis for referral to the Physical Evaluation Board. However, the mental health provider stated the "condition [was] so severe that [your] ability to function effectively in the military environment [was] significantly impaired." Lastly, the provider reported you were "deemed fit to continue duty" for the purpose of administrative separation processing, which he stated you had "initiated the request for."

On 30 October 2021, Commanding Officer (CO), [REDACTED], notified you of his intention to process you for administrative separation by reason of convenience of the government due to “medical conditions not amounting to a [d]isability.” You elected to consult counsel but waived all other rights. On 21 December 2021, the Separation Authority, Commander, [REDACTED], directed CO, [REDACTED], to discharge you with an Honorable characterization of service due to “condition, not a disability” and assign a RE-3G reentry code. On 14 January 2022, you were so discharged.

In your petition, you have requested correction to your separation reason to reflect “disability” because the Department of Veterans Affairs (VA) notified you, on 4 November 2024, that you “have one or more service-connected disabilities” and your “combined service-connected evaluation is 70%.”

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 NMCP mental health provider.

With respect to your reliance on post-service findings by the VA, the Board noted your VA supporting evidence only states you are service-connected with a combined evaluation of 70% but does not provide any information on your specific disability. However, even with the specific disability information, the Board noted 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. 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

