



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

██████████  
Docket No. 11636-24  
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 12 May 2025. The names and votes of the panel members 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 the 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, applicable statutes, regulations, and policies, to include the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD) (Hagel Memo), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo). The Board also considered the advisory opinion (AO) furnished by a qualified mental health professional. Although you were afforded an opportunity to submit a rebuttal, you chose not to do so.

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 on the evidence of record.

The Board previously denied your requests for an upgrade to your characterization of service on 7 August 2023 and 17 June 2024. In your initial request, you asserted that you developed PTSD and other mental health concerns during your military service and that corrections were warranted because your current Department of Veterans Affairs (VA) documentation reflects an

“Honorable” discharge. In your second request, you stated that you incurred PTSD and additional mental health conditions during service, denied any history of sleepwalking or pre-existing sleep, mental health, or other physical, emotional, cognitive, or social disorders, and emphasized that you have been a productive member of society for the past 27 years, currently serving as an exceptional educator of children. The summary of your service remains substantially unchanged from that addressed in the Board’s previous decision.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Kurta, Hagel and Wilkie Memo. These included, but were not limited to, your desire to change your narrative reason for separation from “fraudulent enlistment” and your contentions that: (1) your enlistment was not fraudulent, (2) your condition originated during your period of active service, and (3) you never had mental health or sleep issues prior to enlistment. For purposes of clemency and equity consideration, the Board considered the totality of your application which included your new evidence.

Based on your assertions that you incurred mental health issues (PTSD) during military service, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 31 March 2025. The AO stated in pertinent part:

There is no evidence that the Petitioner suffered from a mental health condition or that he exhibited any symptoms of a mental health condition while in military service. He submitted post-service evidence of diagnoses of PTSD, Generalized Anxiety Disorder, Paranoia, and Major Depressive Disorder that are temporally remote to service. Furthermore, the evidence submitted does not describe the rationale for the given diagnoses, or any link to service. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to his separation) would aid in rendering an alternate opinion.

The AO concluded, “it is my clinical opinion that there is sufficient evidence of post-service mental health conditions that are temporally remote to service. There is insufficient evidence to attribute his misconduct to PTSD or any other mental health condition.”

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board found no error or inequity in your assigned narrative reason for separation. The Board noted that your administrative separation was based on fraudulent entry due to the nondisclosure of a disqualifying medical history; specifically, a pre-existing condition of sleepwalking. In accordance with Navy policy, fraudulent enlistment occurs when an individual knowingly conceals or fails to disclose medical or other information that, if known at the time of enlistment, may have rendered them ineligible for military service or altered the enlistment decision. Your Official Military Personnel File (OMPF) contains a voluntary statement, dated 8 August 1995, in which you indicated that your sleepwalking condition was preexisting, had been previously noted, and that you informed your recruiter, who asked whether the condition occurred regularly. Upon your response, the recruiter reportedly stated that it would not matter. You further stated that the recruiter placed a check mark on the form and that you initialed next to it. Based on your allegation, an investigation was initiated

that did not substantiate your allegation regarding your recruiter. The Board further relies on the presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, presumes that those officials have properly discharged their duties. You have not provided sufficient evidence to rebut this presumption or to demonstrate that your condition did not exist prior to entry. Additionally, the Board concurred with the AO that there is insufficient evidence to attribute your misconduct to PTSD or any other mental health condition. As explained in the AO, your post-service diagnoses are temporally remote to your service.

Therefore, even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record liberally and holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

5/22/2025

