



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

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Docket No. 12124-24
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.

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 on 10 April 2025, has carefully examined your current request. 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, to include the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (USD (P&R))(Kurta Memo) and the 4 April 2024 clarifying guidance from the USD (P&R) regarding cases involving both liberal consideration discharge relief requests and fitness determinations (Vazirani Memo)¹.

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.

The Board noted your previous requests², Docket Nos. NR20130005819, NR20140005598, NR20150003860, NR20210006606, NR20220001863, and NR20230001268 have, when taken

¹ The Board noted the Vazirani Memo was provided to your counsel on 5 March 2025 and although you were allowed 30 days to submit any further statements or additional documentary material, you provided no response.

² The Board noted this is not an exhaustive list of your previous request.

together, requested the same relief³ you are now requesting with one exception. In your current request, you have requested a full upgrade of her discharge status by evaluating your discharge “under the Army’s liberal consideration standards.” The summary of your service remains substantially unchanged from that addressed in the Board’s previous decision.

After review of the current submission, the Board noted the only new evidence for consideration was the 26 January 2023 Secretary of the Navy Council of Review Boards (CORB) letter granting approval of your Combat-Related Special Compensation (CRSC) reconsideration request. Due to the revised counsel’s brief and the CORB’s CRSC letter, as well as the issuance of the Vazirani Memo since the time of your most recent submission, the Board considered your request to upgrade your characterization of service to Honorable, change the narrative reason for separation to “secretarial authority,” assign a RE-1 reentry code, conduct a retroactive medical evaluation to determine your eligibility for medical retirement or placement on the TDRL, issue a corrected Certificate of Release or Discharge from Active Duty (DD Form 215), and approve your petition for payment of the promised reenlistment bonus.

With respect to your request to change your characterization and narrative reason for separation, the Board noted your record indicates you already have an Honorable characterization of service. Specifically, the record indicates that, on 31 January 1989, you were released from active duty and transferred to the naval reserve with an Honorable characterization of service. Additionally, after another period of active service from 6 April 2001 to 30 September 2011, you were honorably discharged at the completion of your required active service. Lastly, your record of discharge from the U.S. Navy Reserve (Inactive), dated 11 October 2017, indicates you were honorably discharged under the authority of MILPERSMAN 1910-104. In summary, the Board considered but took no action on this aspect of your request because you already have the requested characterization of service. Further, with respect to the request to change your narrative reason to secretarial authority, the Board could not determine which period of service you desired to change to secretarial authority, nor did it see a reason to change the narrative reason or understand why you would want your narrative reason changed.

With respect to your request to change your reentry code to a RE-1, the Board noted the decision document in your most recent case, Docket No. NR20230001268, which carefully explained that your case had been repeatedly reconsidered. After reviewing the new evidence you provided, the Board found it insufficient to change their prior decisions.

With respect to your request for your “promised reenlistment bonus,” the Board again noted your request has previously been denied and the new evidence you provided for review is not relevant to this aspect of your application. Accordingly, the Board again determined the evidence you provided was insufficient to change their prior decision and denied your request.

³ Looking at both the DD Form 149 and the Legal Memorandum erroneously addressed to the Army Board for Correction of Military Records, the Board noted you again request honorable discharge with a narrative reason of secretarial authority and assignment of a RE-1 reentry code; medical retirement or placement on the temporary disability retired list (TDRL); payment of the “promised reenlistment bonus.”

Lastly, when considering your request for “retroactive medical evaluation” to determine your eligibility for medical retirement or placement on the TDRL, the Board noted the most recent board decision denied your request. Specifically, in the NR20230001268 decision document, the Board stated, “your legal brief does not provide any argument in support, nor does it contain contemporaneous medical information in support of your claim.” This Board reached the same conclusion. Specifically, the legal brief states medical records are “new documentation” that highlight “the significant medical and mental health challenges [you] faced during [your] service;” but the Board noted your submission did not include any medical records. Additionally, the Board noted counsel’s brief “highlights the Army’s updated standards, which direct liberal consideration for discharge upgrades and record corrections when mental health conditions, PTSD, or other mitigating factors are identified.” The Board however noted that, other than indicating “other mental health” on the DD Form 149 and the statement in counsel’s brief regarding “the evidence of stress, anxiety, and other conditions tied to [your] service,” you have provided no contemporaneous medical information in support of your claim. Even after applying liberal and special consideration as required by the Hagel and Vazirani Memos, the Board noted there is insufficient evidence you suffered from a medical or mental health condition during service. In particular, the Board observed you failed to provide evidence you had any unfitting condition within the meaning of the Disability Evaluation System (DES)⁴. 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.

In reaching its decision, the Board observed that, in order to qualify for military disability benefits, to include medical discharge or retirement, through the 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 of 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. A review of your record and the information you’ve submitted over the years indicates none of these situations are present in your history of service. In the end, this Board concurred with the previous Board’s decision and concluded there is insufficient evidence of an error or injustice warranting your request for medical evaluation for retirement or placement on the TDRL.

Lastly, having fully considered and denied your requests for relief as discussed above, the Board denied your specific request for a DD Form 215. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

⁴ DES processing is the path required for a member to be medically discharged or retired. While on active duty, entry into DES processing requires a military medical provider’s referral to a Medical Evaluation Board which reviews the member’s medical conditions to determine if DES processing and referral to a Physical Evaluation Board are warranted. Further, during your reserve service, a finding that your medical or mental health condition was incurred in the line of duty is required before DES processing is pursued.

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,

4/21/2025

