



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

██████████  
Docket No. 1055-25  
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.

Although your application was not filed in a timely manner, the Board waived the statute of limitations and considered your case on its merits pursuant to the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 3 April 2025. 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 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).

A review of your record shows you enlisted in the Navy and commenced active duty on 14 March 2007. Your history of assignments reflects you reported for duty in ██████████ on 21 September 2007. From 14 March 2008 to 18 March 2008, you were hospitalized at ██████████ ██████████ for evaluation and treatment of suicidal ideation and mood symptoms in the context of both occupational and marital stressors. You were diagnosed with Adjustment Disorder with Depressed Mood and, on 18 March 2008, your treating psychiatrist strongly recommended expeditious consideration of administrative separation. The psychiatrist noted your “depressive symptoms [were] intimately tied to underlying dependent personality traits as well as immaturity” that in his opinion, would not benefit from treatment due to your “lack of motivation for continued service.”

On 8 April 2008, Commanding Officer (CO), [REDACTED], notified you of administrative separation based on your adjustment disorder diagnosis. You waived your right to consult counsel, submit a statement for consideration by the separation authority, or request General Court-Martial Convening Authority review and only elected to obtain copies of all documents forward to the separation authority. On 14 April 2008, [REDACTED] directed your discharge with an Honorable characterization of service. On 30 May 2008, you were so discharged by reason of condition, not a disability.

In your request for relief, you contend you were discharged based on the medical condition of Post-Traumatic Stress Disorder (PTSD) with Major Depressive Disorder; for which you currently receive disability benefits. In support of your request to change your type of separation to “retired” and your narrative reason to “disability,” you submitted medical records from 2022 to 2024. Additionally, you submitted the 22 October 2024 Department of Veterans Affairs (VA) rating decision and 28 October 2024 VA decision letter which grant service connection for PTSD with Major Depressive Disorder with an evaluation of 70%; effective 9 July 2024.

The Board carefully reviewed your contentions and the material you submitted in support of your petition, and determined there was insufficient evidence to grant your requested relief. The Board specifically noted, contrary to your statement that you were “discharged based on the medical condition of PTSD and Major Depressive Disorder,” your record reveals you were discharged due to your diagnosed Adjustment Disorder with Depressed Mood arising from marital and occupational stressors. Further, the Board noted the provided medical records do not start until mid-2022 and you did not apply for VA disability benefits until July 2024. Therefore, the Board determined there is insufficient evidence contending error in your in-service diagnosis of Adjustment Disorder with Depressed Mood. In keeping with the letter and spirit of the Kurta and Vazirani Memos, the Board gave liberal and special consideration to your record of service but noted you did not provide an explanation or discussion of your VA service-connected PTSD. Based on the available evidence, the Board determined you were not diagnosed with PTSD while in-service and your diagnosis of Adjustment Disorder with Depressed Mood did not warrant referral by your medical provider to a Medical Evaluation Board.

With respect to your reliance on post-service findings by the VA, the Board noted the VA does not make determinations as to fitness for service as contemplated within the service Disability Evaluation System. 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.

In conclusion, in its review and liberal consideration of all of the evidence and its careful application of the Kurta and Vazirani Memos, the Board did not observe any error or injustice in your naval records. 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 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,

4/17/2025

