



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

Docket No. 1172-25  
Ref: Signature Date

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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of 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 21 July 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 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, applicable statutes, regulations, and policies, to include the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (PTSD)/mental health condition (MHC) (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 provided an opportunity to respond to the AO, you chose not to do so.

You enlisted in the Navy and commenced active duty on 30 August 1971. You acknowledged that you were required to complete the minimum Navy swimming requirements in order to successfully complete training at the Recruit Training Command. On 23 September 1971, you were referred to the Recruit Evaluation Unit after you failed to advance from the swimming company. On 27 September 1971, the Aptitude Board determined that you were unsuitable for Naval service due to failure to pass the swimming test and a defective attitude. The report of the Aptitude Board stated, "He shows no interest in anything and wants to get out."

Unfortunately, some of the documents pertinent to your administrative separation are not in your official military personnel file (OMPF). Notwithstanding, the Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. Based on the information contained on your Certificate of Release or Discharge from Active Duty (DD Form 214), you were separated, on 6 October 1971, with a "General (Under Honorable Conditions)" (GEN) characterization of service, narrative reason for separation of "Unsuitability (Inaptitude)," and reentry code of "RE-4."

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, your desire to change your discharge characterization of service and your contentions that the Navy failed to recognize your fear of water, you were required to dive into deep water, and this resulted in major depressive disorder from which you have not recovered. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional documentation.

As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an AO on 10 June 2025. The AO stated in pertinent part:

Petitioner contends he incurred mental health concerns during military service due to fears of the water and swimming difficulties, which may have contributed to the circumstances of his separation from service.

Petitioner was evaluated during his enlistment and received no mental health diagnosis. There is no evidence that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. He has provided no medical evidence in support of his claims. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms in service...

The AO concluded, "There is insufficient evidence of a mental health diagnosis that may be attributed to military service. There is insufficient evidence to attribute his separation from service to mental health concerns."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. The Board found no error or injustice in your GEN discharge at the time it was administered. The Board noted that the Aptitude Board report shows that you were counseled on your deficiencies and given a reasonable opportunity to overcome them. However, you stated that you wanted to be discharged, in part, because the friend that you joined the Navy with had already been sent home. Further, the report also documented your overall apathy towards your duties and poor attitude.

Additionally, the Board concurred with the AO and determined that there is insufficient evidence of a mental health diagnosis that may be attributed to military service and insufficient evidence

to attribute your separation from service to mental health concerns. As explained in the AO, you provided no medical evidence in support of your claim. Finally, the Board noted you provided no evidence, other than your statement, to substantiate your contentions.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. Even in light of the Kurta, Hagel, and Wilkie Memos and reviewing the record 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 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,

8/6/2025

