



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 1428-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your father's naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your father's 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 2 December 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 father's 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). In addition, the Board considered an advisory opinion (AO) from a qualified mental health professional. Although you were provided an opportunity to respond to the AO, you chose not to do so.

Your father (hereafter referred to as service member (SM)) enlisted in the U.S. Navy Reserve and began a period of active duty on 29 September 1942. On 4 August 1943, a report of medical survey was completed and noted that SM entered the Navy with a long history of emotional instability that commenced in his childhood. Based on his numerous symptoms related to his preservice emotional problems, SM struggled to adapt to the military environment and exhibited issues with comprehension. He was diagnosed with constitutional psychopathic state, emotional instability and determined to be borderline mentally defective. However, the medical survey specifically determined SM showed no evidence of psychosis. As a result, on 18 August 1943, the Bureau of Medicine and Surgery recommended SM be discharged by reason of unsuitability rather than for physical or mental disability. On 4 September 1943, SM was so discharged.

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 for a discharge upgrade and a review of whether SM qualifies for good conduct medal or national defense medal. You contend that the SM was discharged due to medical reasons and not for any misconduct. For purposes of clemency and equity consideration, the Board considered the totality of your application; which included your DD Form 149 and the evidence you provided in support of it.

As part of the Board review process, a licensed clinical psychologist (Ph.D.) reviewed your contentions and the available records, and issued an AO on 23 September 2025. The Ph.D. stated in pertinent part:

Petitioner was properly observed and evaluated during military service over a period of four months while he received intensive medical treatment. Although the medical jargon has changed in the intervening time, the Petitioner's providers during his military service considered that he had a pre-existing mental state that rendered him unsuitable for additional service. This was a condition that was considered to be existing prior to enlistment and there is no evidence that it was incurred in or exacerbated by his military service. The Petitioner was recommended for administrative separation for unsuitability and discharged from service accordingly. There is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service, and the Petitioner's family has provided no medical evidence to support the claims of PTSD or another mental health condition incurred in service.

The Ph.D. concluded, "it is my considered clinical opinion that there is in-service evidence of mental health concerns experienced during military service. There is insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. There is insufficient evidence that the circumstances of his separation from service may be attributed to PTSD or other mental health concerns other than the pre-existing mental health concerns demonstrated in service."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined SM's assigned characterization of service and reason for separation remains appropriate. In making this finding, the Board considered the medical survey that described the severe difficulties SM experienced while in service. The medical survey describes his inability to compete with others due to his limited intelligence and somatic struggles but also described SM attitude and outlook as "inadequate." 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. In reviewing the evidence presented, the Board determined the evidence was insufficient to overcome the presumption that SM was properly assigned his discharge characterization of service.

Additionally, the Board observed that SM was properly referred to a medical professional and they found him unsuitable for future service in the Navy Reserve due to his preexisting emotional and intellectual challenges. The Board concurred with the AO and determined there is

insufficient evidence that the circumstances of his separation from service may be attributed to PTSD or other mental health concerns, other than the pre-existing mental health concerns demonstrated in service. The Board applied liberal consideration to your claim that SM suffered from a mental health condition, and to the effect that this condition may have had upon his discharge in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of PTSD or another mental health condition that may be attributed to military service. This conclusion is supported by the AO. Additionally, even applying liberal consideration, the Board found insufficient evidence to conclude that SM's discharge was mitigated by a mental health condition. In this regard, the Board simply had insufficient information available upon which to make such a conclusion. Therefore, the Board determined that the evidence of record did not demonstrate SM's unsuitability for continued service or assigned discharge characterization had a nexus to his mental health challenges.

Finally, regarding your inquiry into the medals to which SM may have been entitled. Service regulations at the time, reflect he did not meet the criteria for the good conduct medal. The aforementioned medical survey documents that SM presented himself to the "sick list" after seven months, 11 days of active duty. After recovering from his bronchial condition, he reported a number of different conditions that led to his hospitalization, eventual diagnoses, and separation. Based on his limited active duty service, the Board determined he did not qualify for the good conduct medal. Regarding the national defense medal, the Board determined it was not established as a medal until 1953; 10 years after SM's discharge.

As a result, the Board determined that there was no impropriety or inequity in SM's discharge. While the Board carefully considered the evidence you submitted in mitigation, 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.

The Board offers its deepest condolences for your family's loss and thanks you for your father's service to this country.

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,

12/17/2025

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