

DEPARTMENT OF THE NAVY

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

> Docket No. 1587-25 Ref: Signature Date

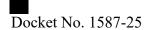
Dear Petitioner:

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 8 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, and 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 (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 an AO rebuttal, you chose not to do so.

You enlisted in the Navy and began a period of active duty on 4 August 1993. On 9 August 1993, you were evaluated and diagnosed with adjustment disorder with disturbance of conduct and recommended for expeditious entry level separation.

Unfortunately, the documents pertinent to your administrative separation are not in your official military personnel file. 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 from the Navy, on 16 August 1993, with an "Entry Level Separation (Uncharacterized)" characterization of service, your narrative reason for separation is "Entry Level Performance/Conduct," your reenlistment code is "RE-4," and your separation code is "JGA;" which corresponds to entry level performance and conduct.

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 upgrade your discharge character of service and contention that: (1) you experienced a challenging childhood, marked by various forms of abuse, which greatly impacted your mental health and well-being, (2) you joined the Navy seeking a path toward a better life while still grappling with your mental health issues, and (3) you have been diagnosed with PTSD relating to your past experiences. You also request assistance in obtaining the National Defense Medal that you earned during basic training. 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's review, a qualified mental health professional reviewed your contentions and the available records and provided the Board with an AO on 22 May 2025. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His adjustment disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluations performed by the mental health clinicians. His mental health concerns were considered pre-existing to military service and undisclosed during pre-enlistment processing. He has provided evidence of other mental health concerns that are temporally remote to his military service and appear unrelated. Furthermore, it is difficult to consider how PTSD or another mental health condition would account for his early separation from service, as it is likely that he would not have been accepted into service if he had fully disclosed his mental health history during pre-enlistment evaluation.

The AO concluded, "There is insufficient evidence of a diagnosis of PTSD or another mental health 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 another mental health condition incurred during his military service."

After thorough review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized entry-level separation remains appropriate. Applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service; as in your case. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case.

Further, the Board concurred with the AO that there is insufficient evidence of a diagnosis of PTSD or another mental health that may be attributed to military service, and there is insufficient evidence that the circumstances of your separation from service may be attributed to PTSD or another mental health condition incurred during your military service. As the AO explained, your mental health concerns were considered pre-existing to military service and undisclosed during your pre-enlistment processing. Finally, the Board determined your provided evidence of other mental health concerns is too temporally remote to your military service and appear unrelated.

As a result, 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.

Regarding your request for assistance in obtaining the National Defense Service Medal (NDSM), the Board noted your Certificate of Release or Discharge from Active Duty (DD Form 214) annotates the NDSM. The NDSM is readily available at a local commerce store or online for your purchase.

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.

