



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

Docket No. 1621-25  
Ref: Signature Date

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. 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 was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your request on 1 May 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.

A review of your record revealed that you were commissioned in the Navy and commenced active service on 13 May 2016. A review of your penultimate fitness report, covering the period of 29 April 2023 through 31 January 2024, stated you were the number 1 company commander at the command. Your commanding officer remarked that you had unparalleled expertise and that your contributions would leave an enduring legacy. A medical record that you provided reflects that you were evaluated for a mental health condition on 16 April 2024. The record reports that you were considered fit for full duty and fully deployable. A medical record provided by you, dated 22 May 2024, states that you were not fit for full duty, should not carry a weapon, or be involved in deployments, TAD, exercises, or operational training until cleared by mental health. The record further states that you were limited to an eight hour workday, not to exceed 40 hours a week, with no overnight duty or night shifts, and no frequent changing or irregular work hours. It also stated that you must be located within 50 miles of a major military treatment facility. The record explained that further duty determination is deferred for evaluation by mental health provider. You were placed into the Integrated Disability Evaluation System (IDES) for determination of your fitness.

In connection with being in the IDES, you were assigned a legal counsel as well as a Physical Evaluation Board Liaison Officer (PEBLO). On 10 July 2024, you submitted a waiver of processing in the IDES. The waiver document that you signed was witnessed by both your legal counsel as well as your PEBLO. In your waiver document, you explained:

2. By submitting this waiver, I relinquish all statutory/regulatory rights to military disability processing and possible severance pay, possible military disability retirement, and possible tax free military disability retired pay. I am also waiving all rights to be granted limited duty extensions for medical reasons and/or Permanent Limited Duty on active service.
3. After consultation with legal counsel and a PEB Liaison Officer (PEBLO), I request to waive my PEB evaluation, unfit determination, and medical discharge. I have been counseled by Government DES counsel and my PEBLO on the DES process and the potential benefits of receiving a medical disability discharge. I hereby voluntarily waive all legal rights under the Department of the Navy DES.
4. Nothing in this waiver, however, forecloses my ability to be evaluated by the Department of Veterans Affairs for injuries incurred incident to military service.

Per your request to voluntarily withdraw from the IDES, your waiver was accepted and you were discharged due to the completion of your required service on 31 July 2024. Your final fitness report, covering the period from 1 February 2024 to 31 July 2024, described you as an exceptional leader who made a strategic impact, a stellar mentor, and annotated that you would succeed in anything you put your mind to. With your petition, you provided a finding from the Department of Veterans Affairs, dated 6 September 2024, which granted you service connected disability rating of 100%, considered permanent and total, with a 70% rating for post-traumatic stress disorder.

In your petition, you request to have your voluntary withdrawal from the DES reversed and you further seek reconsideration for a service disability retirement with a disability rating of 30% or greater. In support of your request, you aver that the medical evidence and supporting documentation from the time you withdrew from the IDES demonstrate that your documented mental health conditions significantly impaired your judgment to withdraw during a critical decision-making period. You further explained in a written statement to the Board that your mental health challenges reached a boiling point in September 2023 when you first sought treatment and were diagnosed with Generalized Adjustment Disorder with Anxiety. You further argue that despite engaging in biweekly psychological and occupational therapy, your condition deteriorated and, that by 13 February 2024, you had been diagnosed with Generalized Anxiety Disorder (Severe), Panic Disorder, and Post-Traumatic Stress Disorder (PTSD). You assert that when you made the decision to withdraw from the IDES process, you were experiencing severe PTSD symptoms that profoundly compromised your decision-making capacity, and that your symptoms included multiple panic attacks per week, severe anxiety and depression, persistent feelings of hopelessness, severe insomnia, impairment of short and long-term memory, suicidal ideations, and significant occupational and social impairment.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and determined that it found no error or injustice in your naval records. In reaching its decision, the Board observed that it applies 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 your case, the Board was unable to find any evidence to support that there was an error or an injustice in the fact that the Navy accepted your knowing and voluntary waiver of the IDES process. At the time, you were represented by legal counsel and had also been assigned a PEBLO. The waiver document clearly and unequivocally states that you knowingly made your decision. Available records also reflect that you were provided all available mental health services and that your mental health conditions were well documented; which is the reason you were placed into the IDES. In fact, available documents reflect that your mental health provider ensured that you did not have to work more than eight hours per day, no more than 40 hours per week, and that you remained within 50 miles of a major military treatment facility. It appeared that your needs related to your mental health condition were being met and you did not provide sufficient evidence for the Board to conclude otherwise. The Board also considered that participating in the IDES, which would entail being reviewed by the Physical Evaluation Board (PEB), is not designed to be an especially onerous undertaking. During the process, you would have been represented by legal counsel, assigned a PEBLO, and maintained your regular mental health treatments. Your day-to-day job requirements were already curtailed, you remained close to a major military treatment facility, and you were receiving all pay and benefits while you were in the IDES process.

In light of the foregoing, the Board determined you provided insufficient evidence to overcome the presumption of regularity that, in this case, demonstrated you were receiving appropriate treatment and knowingly waived your participation in the IDES process. As described above, you were relieved of operational naval duties with curtailed hours and you had the benefit of legal counsel, as well as a PEBLO, to represent you throughout the process. Further, the Board determined that you failed to provide sufficient evidence that your signature on the waiver of IDES document was not a knowing, intelligent, and voluntary waiver of participation in the IDES process. In light of the foregoing, the Board was unable to find an error or injustice in your naval record. 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,

5/15/2025

