



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

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Docket No. 1666-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 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 4 August 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 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.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

You enlisted in the Navy and began a period of active duty on 9 August 2001. On 28 November 2001, you were seen at medical for depressed mood and anger. You reported that your girlfriend

had ended your relationship and this caused you to feel angry. However, you also reported experiencing ongoing anger and depression for the past two years and stated these feelings had worsened since joining the Navy. You further disclosed a history of receiving psychiatric and psychological treatment beginning in the sixth grade that continued until shortly before your entry into the Navy. Following these disclosures, you were diagnosed with Bipolar Disorder and recommended for separation. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of Convenience of the Government; at which time you waived your right to consult with counsel and to submit a written statement for consideration by your commanding officer. Ultimately, your commanding officer directed that you be discharged with an uncharacterized entry-level separation (ELS) by reason of Convenience of the Government due to your mental health condition. On 7 January 2002, you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interest 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 and to change your narrative reason for separation to reflect a Secretarial Authority discharge. You contend that you were erroneously discharged based on a misdiagnosis of Bipolar Disorder. 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.

Based on your assertions that you incurred mental health issues during military service, which may have contributed to the circumstances of your separation from service, a qualified mental health professional reviewed your request for correction to your record and provided the Board with an AO on 16 June 2025. The AO stated in pertinent part:

There is evidence that the Petitioner was diagnosed with a mental health condition (Bipolar Disorder) and suicidal ideation during his military service. Based on the documented symptoms by the provider, as well as Petitioner's anecdote and family history of Bipolar Disorder, his diagnosis appears to have been accurate at the time. Even if he no longer meets criteria for Bipolar Disorder currently (as evidenced by two psychiatric evaluations submitted), his reported symptoms and observed behaviors were not conducive to military standards at the time that he was evaluated. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his separation) may aid in rendering an alternate opinion.

The AO concluded, "it is my clinical opinion that there is sufficient evidence of a mental health condition that existed in service. There is insufficient evidence that his basis for separation, or provided diagnosis was in error."

After a thorough review, the Board concluded that these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your assigned uncharacterized ELS remains accurate as you were processed for separation within your first 180 days of active duty. Service regulations direct the assignment of an uncharacterized ELS when a service member is processed for separation within their first 180 days of active duty. While there are exceptions to the policy in cases involving misconduct or extraordinary performance,

the Board determined neither applied in your case. Additionally, the Board concurred with the AO that there is insufficient evidence that your basis for separation or your diagnosis was in error. As explained in the AO, based on your account and your family history of Bipolar Disorder, your diagnosis appears to have been accurate at the time and, even if you no longer meet the criteria for Bipolar Disorder, your reported symptoms and observed behaviors at the time of the evaluation were not conducive to meeting military standards. Therefore, the Board also determined your reason for separation remains factually and administratively correct.

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.

You are entitled to have the Board reconsider its decision upon the 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 is attached 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,

8/19/2025

