



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 2178-25

Ref: Signature Date

[REDACTED]

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 29 September 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 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (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, dated 23 September 2025, and your response to the AO.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You previously applied to this Board for a discharge upgrade and were denied on 23 September 2024. While the Board did change your reason for separation, separation authority, and separation code to remove any reference to your personality discharge separation on your Certificate of Release from Active Duty (DD Form 214), it determined your uncharacterized

entry level separation and reentry code remained appropriate based on applicable regulatory guidance and your unsuitability for further military service, respectively. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

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 characterization upgrade and contentions that: (a) the basis of your discharge and resulting characterization of service stems from a misdiagnosis of Personality Disorder, (b) after boot camp, you found it difficult to re-acclimate to civilian life, (c) while in boot camp, you woke up in cold sweats from dramatic nightmares of combat, which were so intense that they left you shaken and unable to resume sleep, (d) the vivid mental images were not based on any actual combat experience, however, they seem to originate from a deep-seated fear of the unknown and your mind's response to the high-stress environment of boot camp, and (e) you did not attempted to escape your military obligation. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted of your DD Form 149 and the evidence you provided in support of your application.

As part of the Board's review, the Board considered the AO. The AO stated in pertinent part:

Petitioner was appropriately referred for psychological evaluation and properly evaluated during his enlistment. His personality disorder diagnosis was based on observed behaviors and performance during his period of service, the information he chose to disclose, and the psychological evaluation performed by the mental health clinician. There is insufficient evidence of error in the in-service diagnosis. The Petitioner has provided no medical evidence to support his claims. The circumstances of his separation from service appear consistent with his mental health diagnosis. Additional records (e.g., post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, "There is insufficient evidence of a diagnosis of PTSD or a trauma-related mental health condition. There is insufficient evidence to attribute the circumstances of his separation from service to PTSD or another mental health condition, other than personality disorder."

In response to the AO, you provided rebuttal evidence. After reviewing your rebuttal evidence, the AO conclusion was changed to "Although there is some post-service evidence from the Petitioner of a trauma-related mental health condition that may be attributed to military service, there is insufficient evidence to attribute the circumstances of his separation from service to a mental health condition other than personality disorder."

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, as explained in the Board's previous decision letter, your assigned characterization remains appropriate based on applicable service regulations that direct the assignment of an uncharacterized entry level separation in cases such as yours.

While the Board noted that there is evidence that there is evidence of a mental health condition that may be attributed to a trauma-related event that occurred during your active service, the Board concurred with the AO that there is insufficient evidence to attribute the circumstances of your separation from service to a mental health condition other than personality disorder. The Board applied liberal consideration to your claim that you suffered from a mental health condition and to the effect that this condition may have had on your discharge in accordance with the Hagel and Kurta Memos. Applying such liberal consideration, the Board found sufficient evidence of a diagnosis of mental health condition, other than the diagnosed personality disorder, that may be attributed to your military service. This conclusion is supported by the AO. However, even applying liberal consideration, the Board found insufficient evidence to conclude that basis for which you were discharged was due to a mental health condition of than your personality disorder. In this regard, the Board simply had insufficient information available to reach such a conclusion. The Board agreed with the AO that the medical evidence you provided is temporally remote to your service and, as a result, the Board placed more weight on the in-service medical diagnosis.

As a result, 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 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,

12/8/2025

