



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. 2593-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 12 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.

You enlisted in the U.S. Navy and entered active duty on 22 February 2016. On 10 April 2016, you were issued a counseling warning for failure to meet the Navy physical fitness assessment (PFA) standards. You were advised that any further PFA failures will terminate the reasonable period of time for rehabilitation that this counseling and warning entry implies and may result in processing for entry level separation, set back in training, or assignment to fitness improvement training. On 11 May 2016, you failed your final PFA. Consequently, you were notified of administrative separation processing for entry level performance. You waived your rights to

consult with counsel and to submit a statement. Ultimately, you were discharged with an uncharacterized entry level separation for entry level performance on 25 May 2016.

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 contention that the Department of Veterans Affairs (VA) characterized your service as Under Honorable Conditions and your Navy record should mirror the characterization for employment and benefit purposes. You also checked the “Other Mental Health” box on your application. 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 2 June 2025. The Ph.D. stated in pertinent part:

There is no evidence that she was diagnosed with a mental health condition in military service. Temporally remote to her military service, she has been granted service connection for mental health concerns. Unfortunately, available records are not sufficient to provide a nexus with her separation from service. It is difficult to determine how mental health concerns may have contributed to her physical fitness failure.

The Ph.D. concluded, “There is post-service evidence from the VA of a mental health condition that may be attributed to military service. There is insufficient evidence that the circumstances of her separation from service may be attributed to a mental health condition.”

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your assigned uncharacterized entry level separation remains appropriate. Service regulations direct the assignment of an uncharacterized entry level discharge when a service member is processed for separation within their first 180 days of active service. While there are exceptions in cases involving misconduct or extraordinary performance, the Board determined neither exception applied in your case. Further, the Board concurred with the AO and determined there is insufficient evidence that the circumstances of your separation from service may be attributed to a mental health condition. As explained in the AO, it is difficult to determine how mental health concerns may have contributed to your physical fitness failure. Furthermore, the Board noted that VA eligibility determinations, disability ratings, and/or discharge classifications are not binding on the Department of the Navy and have no bearing on previous active duty service discharge characterizations. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans’ benefits or enhancing educational or employment opportunities.

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 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,

8/19/2025

