



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 3227-25
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.

A three-member panel of the Board, sitting in executive session, considered your application on 25 February 2026. 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 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness regarding requests by Veterans for modification of their discharge due to mental health conditions, sexual assault, or sexual harassment (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), as well as the 4 April 2024 guidance from the Under Secretary of Defense for Personnel and Readiness relating to the consideration of cases involving both liberal consideration discharge relief and fitness determinations (Vazirani Memo) (collectively the "Clarifying Guidance"). The Board also considered a 12 January 2026 advisory opinion (AO) from a board-certified psychiatrist. Although you were provided an opportunity to respond to the AO, you chose not to do so.

A review of your record shows that you enlisted in the Navy and commenced active duty on 24 September 2018. While you were in service, in 2022, you sought mental health treatment, and you provided medical records from this time frame. A medical document from June 2022 reflected that you were diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood. Consequently, you were issued a page 13 entry notifying you that you were diagnosed by an authorized mental health provider, with a condition that does not amount to a disability, but which significantly impaired your ability to function in a military environment. The page 13 further explained that your condition was not listed as compensable and could result in your separation from the Navy. Ultimately, on 19 May 2023, you were discharged due to Condition, Not a Disability. You provided documentation that, post-service,

you filed for service connected for service connected disability ratings with the Department of Veterans Affairs (VA), which awarded you a 100% rating based on a variety of conditions.

In your application, you requested a correction of your narrative reason for separation and separation code, an acknowledgment that your condition was misdiagnosed and improperly handled, and that you receive a post-separation Medical Evaluation Board (MEB) to formally review your physical and psychological conditions.¹ In support of your requests, you asserted in a personal statement that while you were on a ship you started to experience mental health symptoms, including suicidal ideation, and that you ultimately were removed from your command and placed on limited duty. You further argued your condition was mishandled, that you had inadequate care, that you were improperly diagnosed, and that you were subject to a flawed discharge process. You also provided a written statement from your wife, which explained her belief that the psychiatrist at Naval Medical Center ██████████ falsely diagnosed you with Insomnia. In addition, she asserted that your efforts at obtaining therapy were misrepresented by your psychiatrist who also made false claims of alcohol abuse and financial stress in his psychiatric assessment. She further asserted that the mistreatment you endured resulted in you attempting suicide within ten days of leaving the Navy. You also provided a 29 February 2024 letter from a mental health professional opining that in her opinion, “there is a clear nexus between [your] PTSD and his military service.” In further support of your requests, you provided civilian medical records and service record documents.

In order to assist it in reviewing your petition, the Board obtained the AO, which was considered unfavorable to your request. The AO considered the medical records that you provided, medical records available in the Joint Logistics Viewer (JLV), as well as your entire petition with supporting documents and all available service record documents. As noted, the Board provided to you a copy of the AO for your review and rebuttal, and did not receive any response. At the outset, the AO explained his opinion that, after reviewing all of the available objective clinical and non-clinical evidence, “there is insufficient evidence to support Petitioner’s contention of error in the in-service mental health diagnoses or treatment provided to Petitioner, the determination that Petitioner’s Adjustment Disorder diagnosis was erroneously considered a Condition Not Considered a Disability, or that he was not afforded proper due process” After setting forth your treatments and evaluations while in service, the AO explained:

There was no clinical evidence that his mental health providers considered his mental health conditions were referable to the Physical Evaluation Board (PEB) for adjudication of fitness for continued service or that they represented a ratable condition by the Veterans Affairs Schedule for Rating Disabilities (VASRD). The mere presence of disease or injury alone does not justify PEB referral. Referral should take place only when, in the opinion of a medical board, the defect may materially interfere with the member's ability to perform reasonably the duties of his or her office, grade, rank, or rating/MOS on active duty. (SECNAVINST 1850.4E, para 3202).

¹ You also requested an upgrade or change to your discharge characterization. However, the Board noted that you were assigned an Honorable discharge characterization of service and no further upgrade is authorized. Therefore, the Board took no action on this aspect of your application.

The AO turned to discussing the material that you provided, as follows:

Petitioner submitted evidence of post-discharge mental health conditions diagnosed after his separation from active duty. Petitioner's post-discharge treating clinicians opined he suffered from Depressive Disorder and/or PTSD stemming from incidents while in service which affected his psychological health. However, the opinion from the Petitioner's treating clinician, based upon a self-reported history from Petitioner rendered after his military service, runs counter to the available objective evidence contemporary to his enlistment.

There was no evidence in the in-service clinical records indicating symptoms indicative of PTSD, nor did the Petitioner report any traumatic stressor events. Diagnoses of both in-service and post-discharge mental health conditions were based on the Petitioner's available clinical records and the self-reported histories Petitioner presented to the evaluating clinical providers at the time of evaluation. Given that providers within the Department of the Navy are required to possess knowledge of expected duties and obligations of Sailors and Marines and render fitness-related determinations as part of their credentialing requirements and qualifications, I found these evaluations and recommendations to have greater probative value based on the in-service mental health examiners and their readiness expertise.

The AO then turned to analyzing your assertion that your post-discharge VA grant of service-connected disability benefits for Chronic Adjustment Disorder as evidence supporting your contention of unfitness and awarding of service disability benefits. On this point, the AO explained that the VA assigned disability ratings to your conditions based on its determination that they were in the line of duty, and in so doing, it assigned those ratings without regard to the issue of fitness to perform military duty. In other words, service connection does not dictate unfitness for naval service, which is the duty of the Secretary and military authorities.

The AO ultimately concluded, "in my medical opinion, there is insufficient evidence to support Petitioner's contention of error in the in-service mental health diagnoses or treatment provided to Petitioner, the determination that Petitioner's Adjustment Disorder diagnosis was erroneously considered a Condition Not Considered a Disability, or that he was not afforded proper due process."

The Board carefully reviewed your petition and all of the material that you provided with that petition, and disagreed with your rationale for relief. In keeping with the letter and spirit of the Clarifying Guidance, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service. As set forth in the Vazirani Memo, the Board first applied liberal consideration to your assertion that your mental health condition potentially contributed to the circumstances resulting in your discharge to determine whether any discharge relief is appropriate. After making that determination, the Board then separately assessed your claim of medical unfitness for continued service due to your mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration.

Thus, the Board began its analysis by examining whether your mental health condition excused or mitigated your discharge. On this point, the Board considered that you established that, post-service, you were diagnosed with a mental health conditions, which was also described within the AO. Thus, the Board considered whether in its application of special and liberal consideration, there was anything in your discharge to excuse or mitigate. In your situation, the Board considered that your discharge was based on your established Condition, not a Disability, and that you were awarded an Honorable characterization of service. Therefore, in evaluating your petition, the Board determined that it was unable to find an error or injustice in your discharge and basis therefore. Thus, the Board completed the first step of the analysis described in the Vazirani Memo.

After making that determination, the Board then separately assessed your claim of medical unfitness for continued service due to a mental health condition as a discreet issue, without applying liberal consideration to the unfitness claim or carryover of any of the findings made when applying liberal consideration. Thus, the Board considered whether your mental health condition should have resulted in your being retired with a service disability retirement. Upon its review of all available materials, the Board determined that you provided insufficient evidence of an error or an injustice in the fact that you were not retired with a disability retirement or that there was a misdiagnosis or that your discharge was improperly handled, as you assert. In reaching its decision, the Board substantially concurred with the opinion of the AO, which the Board found to be reasonable and based on substantial evidence. In that vein, the Board considered the issues in your petition to require specialized medical knowledge, and the Board observed that the AO provided a fulsome description of your conditions and your arguments based on medical evidence, and it provided insight into technical medical documentation. The Board also considered that you were provided a copy of the AO and that you did not provide a response in rebuttal. Therefore, in its review and liberal consideration of all of the evidence and its careful application of the Clarifying Guidance, the Board did not observe any error or injustice in your naval records. 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,

3/20/2026

