



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

██████████
Docket No. 3865-24
Ref: Signature Date

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Dear ██████████

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 your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitation and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 3 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 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. The Board also considered an advisory opinion (AO), furnished by a licensed psychologist on 31 July 2025, and your response to the AO.

A review of your record shows that you enlisted in the Marine Corps Reserve by signing an enlistment document dated 11 December 1999. During your service, you had two periods of active duty represented by two Certificates of Release or Discharge from Active Duty (DD Forms 214). Your first period of active duty service was from 21 August 2000 to 13 January 2001. Your second period of active service was from 23 July 2001 to 18 August 2001. You provided with your petition, a letter from your reserve commanding officer to Commander, Marine Forces Reserve, stating that you were discharged on 23 January 2003 with an Honorable characterization of service and assigned a JFR3 separation program designator indicating you had a disability that was not in the line of duty and not eligible for separation pay.

In your petition, you request to have your administrative discharge changed to a medical discharge. In support of your request, you assert that, while you were stationed at Camp Pendleton, you began to experience significant mental health challenges including recurring nightmares, panic attacks, anxiety and depression. You further state that you were embarrassed

and confused and sought help from an outside medical professional because you were a Reservist and you received a diagnosis; which you state resulted in you being treated negatively. In further support of your request, you provided letters from civilian medical providers as well as letters of reference.

In order to assist it in reviewing your petition, the Board obtained the AO, which was considered unfavorable to your request. According to the AO, you provided two April 2025 letters from civilian providers describing treatment since July 2019 for diagnoses of Somatic Symptom Disorder, Panic Disorder, and Major Depressive Disorder (MDD), Recurrent, in Full Remission. The AO explained:

There is no evidence that he was diagnosed with a mental health condition in military service or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition in service. There is no evidence of a diagnosis of PTSD and the Petitioner has provided no evidence. Temporally remote to his military service, civilian provider has noted mental health concerns that are considered to have onset during his Reserve service and attributed to stressors and harassment received in the Reserves. Unfortunately, the available records are not sufficiently detailed to establish clinical symptoms in service or provide a nexus with his discharge from the Reserves, particularly given the lapse in time from the conclusion of his Reserve service and his mental health treatment. Additional records (e.g., post-service mental health records describing the specific link to his misconduct) may aid in rendering an alternate opinion.

The AO concluded, “it is my considered clinical opinion that there is post-service evidence from a civilian clinician of mental health concerns that may be attributed to military service. There is insufficient evidence to attribute his separation from service to a mental health condition.”

In response to the AO, you argued that, during your service, you began to experience depression and anxiety; conditions you did not experience before your enlistment. Rather, you assert, your symptoms emerged after enlisting. You explained that during a routine drug test at your monthly reserve drill, you disclosed the prescriptions you were taking and you were instructed to provide proof of care from your personal psychiatrist. You stated that you provided the requested documentation and, eight months later, you were discharged without being offered any medical care, counseling, or the opportunity to change your MOS. Thus, according to your statement, the facts indicate that your discharge was due to mental health reasons, with no consideration or care provided for your well-being.

The Board carefully reviewed your petition and the material that you provided in support of your petition, and disagreed with your rationale for relief. At the outset, the Board substantially concurred with the findings and conclusion of the AO. Notably, there is no evidence in your available service records, nor did you provide any, reflecting you were diagnosed with any medical or mental health conditions during any period of active service. The Board also considered 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 evaluating your petition, the Board observed that for

reserve personnel to be eligible for a military disability retirement, they must have a “Notice of Eligibility,” (now called a “Line of Duty”) finding, reflecting a finding that an injury or condition was incurred or aggravated during a covered period of service. Your service record did not contain any such documentation, nor did you provide any such documentation. Thus, in its review of all available documentation with respect to your petition, the Board observed that there was insufficient evidence to overcome the presumption of regularity. In light of the foregoing, the Board was unable to find an error or injustice 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,

9/18/2025

