



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 3918-25

Ref: Signature Date

[REDACTED]

Dear [REDACTED]

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 was 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 limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 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, to include 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). The Board also considered a 31 July 2025 advisory opinion (AO) from a Licensed Clinical Psychologist. Although you were provided an opportunity to respond to the AO, you chose not to do so.

A review of your naval record reveals that you enlisted in the Navy and commenced active duty on 5 August 2020. Starting in late 2021, you were evaluated by mental health and diagnosed with a personality disorder. On 11 January 2022, a civilian mental health provider diagnosed you with major depressive disorder, recurrent, with suicidal ideation, post-traumatic stress disorder (PTSD), and panic disorder. On 2 March 2022, you wrote to the separation authority and requested to be discharged due to a condition, not a disability based on your diagnosed preexisting personality disorder. The separation authority approved your request and you were so discharged with a General (Under Honorable Conditions) characterization of service on 5 May 2022.

Post-discharge, you filed a request for service connected disabilities with the Department of Veterans Affairs (VA). The VA eventually granted you a 100% service connected disability; effective 6 May 2022.

In 2024, you filed an application with the Naval Discharge Review Board (NDRB). On 23 January 2025, the NDRB conducted a documentary review and issued its decision granting you an upgrade to your characterization of service to Honorable. In its decision, the NDRB noted that you “met the requirements for separation for Condition not a Disability.” Thus, based on the foregoing, the NDRB found that your characterization of service should be Honorable but that your narrative reason for discharge, condition not a disability, should remain as issued.

In your application to this Board, you request to have your condition, not a disability, narrative reason for separation changed to reflect you were discharged due to a condition that amounts to a disability¹. You also requested relief from a debt to the Navy; which stems from your separation code of “KVF.” You stated that you believed you submitted the proper paperwork with the Secretary of the Navy. In support of your requests, you argued that your disability diagnosis is reflected by multiple sources and is also recognized with the VA at 100%. You also argue that this correction should be made with respect to your indebtedness because it occurred as a result of your separation.

In order to assist it in considering your petition, the Board obtained the 27 July 2025 AO from a Licensed Clinical Psychologist. In reaching her opinion, the AO considered all applicable medical and mental health records, as well as all of the materials that you provided in support of your application. According to the AO:

Petitioner was appropriately referred for psychological evaluation during his enlistment and properly evaluated during two inpatient hospitalizations. 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 evaluations performed by the mental health clinicians. A personality disorder diagnosis is pre-existing to military service by definition, and indicates lifelong characterological traits unsuitable for military service, since they are not typically amenable to treatment within the operational requirements of Naval Service. Upon discharge from service, the VA has granted service connection for PTSD. Prior to his separation, civilian medical providers expressed the opinion that the Petitioner suffered from PTSD and other mental health concerns that were incurred in or exacerbated by military service. Although it is possible that symptoms considered characterological in service may have been re-conceptualized as related to other mental health conditions with the passage of time, there is insufficient evidence of error in his in-service diagnosis. Additional records (e.g., post-service mental health records describing the Petitioner’s diagnosis, symptoms, and their specific link to his separation from service) may aid in rendering an alternate opinion.

The AO concluded, “Based on a review of all available evidence, it is my considered clinical opinion that there is in-service evidence of mental health concerns not attributed to military service (personality disorder). There is post-service evidence from the VA and civilian medical providers of PTSD and other mental health concerns that may be attributed to military service.

¹ The Board considered your request to be a request for a service disability retirement.

There is insufficient evidence to attribute the circumstances of his separation from service to PTSD or a mental health condition, other than personality disorder.”

The Board carefully reviewed your contentions and the material that you submitted in support of your request and it disagreed with your rationale for relief. In reaching its decision, the Board observed 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. Further, the Board also fully followed the Vazirani Memo. Thus, it 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 separated 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 actually excused or mitigated your discharge. On this point, the Board considered that, post-service, you were found by the VA to have service connected PTSD. Thus, for the purposes of application of the Vazirani Memo, the Board assumed that you had PTSD in considering whether discharge relief is appropriate in your case. However, the Board also considered that the NDRB has already upgraded your discharge characterization to Honorable and determined no additional consideration was required.

With respect to the next level of analysis under the Vazirani Memo, and its analysis of your request for a service disability retirement, the Board observed there is insufficient evidence that there was an error or injustice in your narrative reason and authority for your separation. In reaching this decision, the Board considered the entirety of available medical and mental health documentation, including all of the materials that you provided. The Board also considered and substantially concurred with, the AO, which found insufficient evidence to attribute the circumstances of your separation from service to PTSD or a mental health condition, other than personality disorder. In making this finding, the Board noted that you agreed with and relied upon the personality disorder diagnosis in your request to be separated the Navy. In addition, you specifically requested to be separated for a condition, not a disability. Further, to the extent you rely upon your post-service ratings by the VA to support your request for a service disability retirement, the fact that the VA rated you for disability conditions that it determined were service connected to your time in the service did not persuade the Board these conditions were unfitting at the time of your discharge from the Navy because eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated.

Finally, the Board considered your request for remission of a debt to the Navy. On this issue, the Board applied the presumption of regularity and noted that you provided insufficient evidence to overcome the presumption. In reviewing the evidence, again, the Board considered that you requested to be discharged from the Navy for a preexisting condition that was not considered a disability condition. Therefore, the Board found no basis to remit your debt to the Navy.

Thus, in its review of the entirety of your petition and all available documentation, the Board determined that you provided insufficient evidence of an error or an injustice in your naval record. 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,

11/20/2025

