



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. 4925-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to 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 30 July 2025. The names and votes of the members of the panel 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.

A review of your record shows that you enlisted in the Marine Corps and entered active duty on 19 September 2011. On 4 October 2011, you were evaluated by the Adult Psychology Department at Marine Corps █, which found as follows:

This recruit was seen today (10/4/11) following his discharge from █ inpatient psychiatry for 4 days (1-4OCT11). He was admitted on 10/1/11 for suicidal ideation because he was having nightmares. He thought about stabbing himself in the neck (jugular). The first week was "okay" but then training became "really stressful." He thought he could adapt to training but he was wrong. He said he has been "down" most of the time over the past 6 months, even prior to enlisting. He is recommended for immediate ELS [entry level separation]. No weapons as a precaution. The recruit is deemed to be at low imminent risk of self-harm at this time.

On 4 October 2011, the Mental Health Unit, █ wrote to the

Commanding Officer, Recruit Training Depot concerning the findings of the mental health evaluation, which included the following finding, with emphasis in the original: “It is strongly recommended that this recruit be ROUTINELY processed for Entry Level Separation to prevent risk of injury to self or others.” Subsequently, you were discharged due to a condition, not a disability, and issued an uncharacterized entry-level separation on 17 October 2011.

In your petition, you request: (1) to have your uncharacterized discharge changed to an Honorable discharge in order that you may be enabled to obtain GI Bill education benefits for your bachelor’s and master’s degrees, and (2) make your initial disability claim with the Department of Veterans Affairs (VA) retroactive to December 2011, when you first applied after discharge. You explained that your original VA claim does not appear in your VA portal. In support of your requests, you contend that your uncharacterized discharge fails to recognize the quality of service that you provided before medical issues arose and that an Honorable discharge would accurately reflect your conduct and performance while enabling access to educational benefits you need to complete your degrees. You also argue that your initial disability claim was properly filed in December 2011 but was incorrectly denied and subsequently removed from the system and that this administrative error has prevented you from receiving benefits to which you are entitled based on service-connected conditions that have persisted since your discharge. You provided with your petition a finding by the VA reflecting that it awarded you a 100% service connected disability for adjustment disorder with mixed anxiety and depressed mood.

After it received your petition, on 30 May 2025, this Board wrote to you noting that you checked the “PTSD” box on your application indicated you are suffering from post-traumatic stress disorder (PTSD). The Board also informed you that a review of your application revealed that you did not include materials or documentation to support your claim of PTSD diagnosis or treatment. Thus, you were provided 30 days to provide additional medical or clinical evidence from you in support of your claim. You provided no additional information in response to this Board’s letter.

The Board carefully reviewed all of your contentions and the material that you submitted in support of your petition, and the Board determined that it found no error or injustice in your naval records with respect to your discharge from service and the reason for your separation. 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. With respect to your request to change your uncharacterized entry level separation to an Honorable characterization of service, the Board observed that you were discharged after 29 days of active duty. At the time of your separation from service, entry level status was defined to be within the first 180 days of service (recently changed to 365 days). While there are exceptions to this policy in cases involving extraordinary performance or misconduct, the Board determined neither applied in your case. The Board did not find persuasive your argument that your uncharacterized discharge from service fails to recognize the quality of service that you provided during the brief period you were in boot camp prior to your reporting to medical and undergoing a mental health evaluation. Neither your petition nor any documents in your naval records reflected that you engaged in any extraordinary service during that period of time such that it would overcome the presumption that you should have received an uncharacterized entry level separation. In making

this finding, the Board observed that you first reported mental health symptoms approximately two weeks after commencing active duty, were recommended for separation at that time based on your suicidal ideations that involved stabbing yourself in the neck and were prevented from carrying a weapon as a precaution against self-harm. These factors led the Board to conclude no error exists with your uncharacterized discharge since your 29 days of service could not reasonably be described as extraordinary.

The Board also noted that you reported no mental health issues as part of your 13 July 2011 Report of Medical history. However, this was contrary to the medical history you provided on 4 October 2011 to the Adult Psychology Department. After entering active duty, you informed your medical provider that were feeling “down” the six months leading into your active duty service. This omission could have qualified you for fraudulent entry processing, or at a minimum erroneous entry, and further convinced the Board your brief period of service did not meet the high threshold for extraordinary service or an Honorable characterization of service. When taken into consideration that you were deemed eligible for VA disability and compensation benefits, despite entering the Marine Corps without disclosing your preexisting mental health history that later formed the basis of your discharge, the Board also determined no injustice exists with your uncharacterized discharge.

Finally, with respect to your request that this Board make your initial disability claim with the VA retroactive to December 2011, the Board determined it has no statutory authority to do so. The VA makes its own decisions relating to VA disability benefits and the Department of Defense, under which this Board operates, has no authority to modify VA decisions. Therefore, the Board took no action on this aspect of your application. 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,

8/11/2025

