



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE RD
ARLINGTON, VA 22204

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Docket No. 5861-25
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 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 application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 23 January 2026. The names and votes of the panel members will be furnished upon request. Your allegation of injustice was 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 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta 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). The Board also considered an advisory opinion (AO) furnished by a mental health professional on 28 September 2025. Although you were provided an opportunity to respond to the AO, you chose not to do so.

The following is the relevant factual background of your case based upon review of your naval record and/or the matters provided with your application:

1. You enlisted in the Navy and began a period of active duty service on 17 April 2007.
2. Upon commencing basic training, you were evaluated in the Mental Health Department at the Naval Health Clinic and diagnosed with a Depressive Disorder that existed prior to service and was not aggravated by active military service.
3. On 4 September 2007, you were notified that you were being recommended for

administrative discharge from the Navy by reason of erroneous enlistment. You were advised of, and waived, your procedural rights; which included your rights to consult with legal counsel and to submit a written statement. The separation authority directed your administrative discharge from the Navy with an uncharacterized entry-level separation for erroneous enlistment and you were so discharged on 14 September 2007.

The Board initially concluded you were appropriately processed for administrative separation based on your diagnosed preexisting depressive disorder. While the Board carefully considered your contention the diagnosis was erroneous, the Board noted you did not provide any evidence, other than your statement, to substantiate your contention. Therefore, the Board determined the presumption of regularity applies to the finding that you were properly diagnosed with a preexisting depressive disorder and separated based on the diagnosis.

Because you raised the issue of mental health, the Board requested an AO. As part of the Board's review process, a qualified mental health professional reviewed your contentions and the available records and issued an Advisory Opinion (AO) on 28 September 2025. The AO noted in pertinent part:

There is evidence that the Petitioner was diagnosed with depression in service that existed prior to service. The Petitioner contends that she experienced a "traumatic event" in service; however there is no evidence of this as contained within her service record, nor did she submit any medical evidence in support of this claim. Additional records (e.g., active duty medical records, post-service mental health records describing the Petitioner's diagnosis, symptoms, and their specific link to her separation) may aid in rendering an alternate opinion.

The AO concluded, "It is my clinical opinion that there is sufficient evidence of a mental health condition that existed prior to service. There is insufficient evidence that the rationale for separation was in error."

The Board applied liberal consideration to your claim that you suffered from a mental health condition as a result of an in-service traumatic event, and to the effect that this condition may have had on your discharge in accordance with the Kurta Memo. Applying such liberal consideration, the Board found insufficient evidence of a diagnosis of mental health condition that may be attributed to military service. This conclusion is supported by the AO and the medical evidence in your service record. Additionally, even after applying liberal consideration, the Board found insufficient evidence to conclude that you were erroneously diagnosed by the Navy. In this regard, the Board simply had insufficient information available upon which to make such a conclusion.

In addition to applying liberal consideration to your claimed service induced mental health condition and its potential effect upon your discharge in accordance with the Kurta Memo, the Board also considered the totality of the circumstances to determine whether equitable relief is warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the negative effect your

discharge has had on your life, your current mental health issues, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board determined that your assigned uncharacterized entry-level separation remains appropriate. Applicable regulations authorize an uncharacterized entry-level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service. While there are exceptions to policy in cases involving misconduct or extraordinary performance, the Board determined neither exception applies in your case. Thus the Board found no evidence your discharge was erroneous and you provided no evidence it was unjust. Therefore, the Board did not find an upgrade of your discharge to General (Under Honorable Conditions) or Honorable to be warranted in the interests of justice.

Accordingly, given the totality of the circumstances, the Board determined 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,

2/18/2026

