



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

██████████
Docket No. 6103-25
Ref: Signature Date

████████████████████
████████████████████
████████████████████

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.

A three-member panel of the Board, sitting in executive session, considered your application for reconsideration of your previous application (Docket No. 9642-24) on 6 May 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 Office of the Under Secretary of Defense for Personnel and Readiness relating to the consideration of requests for modification of discharge due to mental health conditions, sexual assault, or sexual harassment (Kurta 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 determined your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined a personal appearance was not necessary and considered your case based on the evidence of record.

As it set forth in its previous letter denying your requested relief, a review of your naval record reveals that you enlisted in the Navy and commenced active duty on 22 May 2018. Your official military personnel folder (OMPF) does not contain your discharge documentation, including the medical findings associated with your discharge. However, you provided a 20 April 2019 letter from your commanding officer transmitting your discharge to Commander, Navy Personnel Command. The letter states that he based his decision on the recommendation of a mental health professional, who recommended that you be separated from active service so that you could

concentrate on your health. You were discharged on 17 July 2019 with an Honorable characterization of service due to condition, not a disability.

You filed your previous application with this Board in September 2024. In that application, you requested to have your condition, not a disability, narrative reason for discharge changed to a medical retirement. In support of your request, you contend that, post-service, you were rated by the Department of Veterans Affairs (VA) for post-traumatic stress disorder (PTSD) and other mental health conditions. You provided a personal statement, documentation from the VA reflecting your post-service disability rating, a letter from a clinical psychologist, as well as service and medical records in support of your petition. This Board considered your application and informed you by letter dated 10 March 2025 that it denied your requested relief.

In your request for reconsideration, you argued that, since the date of your discharge, you received independent diagnoses of Major Depressive Disorder and PTSD which, according to civilian evaluations and VA findings, were present during your time in service. You further argued that these diagnoses affirm that your condition warranted medical retirement rather than administrative separation. You specifically cited the Clarifying Guidance, including the Vazirani Memoranda, and asserted that this Board is required to apply liberal consideration in cases involving mental health-related discharge errors. You also provided exhibits, many of which were provided in your prior application, with the exception of an evaluation by a Doctor J. F., Ph.D. and a VA Disability Award Letter updated to show you have a combined 60% VA disability rating.

The Board carefully reviewed your contentions and the new 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, in light of the fact that in your application you raised your post service mental health diagnoses by the VA, the Board fully considered the Clarifying Guidance and 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 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.

Therefore, 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 you have provided documentation that you were diagnosed, post-service, to have PTSD, which you supported by letters from civilian providers. For the purposes of application of the Clarifying Guidance, the Board considered this diagnosis in deciding whether discharge relief is appropriate in your case. In your case, at the time of your discharge, you were assigned an honorable characterization of service. In light of this, despite its application of special and liberal consideration to your request, the Board was unable to find an error or an injustice in your discharge and its characterization.

After making that determination, the Board then separately assessed whether there was an error or injustice in the fact that you were not processed through the Disability Evaluation System (DES) and found unfit as a result of a medical or mental health condition. Here, the Board was unable to find an error or injustice in naval record. In reviewing evidence of errors or injustice in naval records, the presumption of regularity, which it described above. In light of the foregoing standard, the Board was unable to find an error or injustice in the fact that, at the time of your service, naval medical professionals diagnosed you with a condition that was considered not a disability. In reviewing all of the new materials that you provided, the Board considered that you provided materials from civilian providers as well as a letter from the VA. With respect to these documents, the Board observed that the post-service diagnoses that you provided were from civilian providers who were not tasked with evaluating your fitness for service within the meaning of the DES, nor are they trained to do so. The letters from the providers contain the opinion that your "mental illness began" while you were serving in the Navy and were service-connected to your time in the Navy. By contrast, the providers who evaluated you in service have such training and experience to evaluate service members within the context of their fitness for service. This aspect is relevant because, the Board observed, having a diagnosis of a condition while in service does not equate to a finding that a service member was unfit due to such condition within the meaning of the DES. Further, the Board was not persuaded by post-service findings by the VA, because the VA does not make determinations as to fitness for service as contemplated within the service DES. Accordingly, despite its application of special and liberal consideration, and in light of the new matter that you provided, the Board was unable to find an error or injustice in your naval record and it denied your requested relief.

In the absence of sufficient new evidence for reconsideration, the decision of the Board is final, and your only recourse would be to seek relief, at no cost to the Board, from a court of appropriate jurisdiction.

Sincerely,

5/22/2026

