



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. 6380-25
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 you did not file your application in a timely manner, the statute of limitation was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 30 July 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 3 September 2014 guidance from the Secretary of Defense regarding upgrade requests by Veterans claiming post-traumatic stress disorder (Hagel Memo), the 25 August 2017 guidance from the Under Secretary of Defense for Personnel and Readiness regarding requests by Veterans for modification of their discharge due to mental health conditions, sexual assault, or sexual harassment (Kurta Memo), 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), and the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo) (collectively the "Clarifying Guidance").

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

A review of your record shows that you enlisted in the Navy and commenced active duty on 18 June 2019. On 26 November 2024, you were diagnosed with an adjustment disorder and recommended for administrative separation for a condition, not a disability. The medical provider that evaluated you while you were in service diagnosed you as follows:

Impairment: This SM appears to have an impairment to operate within the military which hinders [his] potential for continued military service. SM's thinking stems from military related stressors and remaining in the military environment threatens to further decompensate this individual. SM will likely have some improvement when out of the military. SM's condition is one that is unlikely to sufficiently improve to continue functioning within the within the military environment. Given this, a recommendation to be processed for administrative separation is supported as a means to prevent exacerbation of [his] symptoms.

On 19 December 2024, you were notified of the initiation of administrative separation processing for condition, not a disability and your rights in connection therewith. On 3 January 2025, your commanding officer recommended that you be discharged pursuant to the medical recommendation. On 10 February 2025, you were so discharged with an Honorable characterization of service.

In your petition, you request that: (1) your debt associated with the recoupment of your reenlistment bonus be waived or remitted and that you be repaid any and all monies related to said debt, including interest; and (2) that you receive permanent medical retirement with at least 30% disability with any and all back pay dating back to the appropriate effective date of his medical retirement. In the alternative, you request that your case be inserted into the Disability Evaluation System (DES) for evaluation as to whether you should have been medically retired. In support of your requests, you contend that your adjustment disorder was in fact "chronic" and thus should have resulted in your placement on the Permanent Disability Retired List (PDRL). With respect to your request for remittance of your debt, you argue that equity requires that you should not be liable for a debt that was caused by your discharge for a mental health issue. In further support of your request, you provided service and post-service medical records, as well as documentation concerning your debt.

The Board carefully reviewed your petition and the material that you provided in support of your petition and disagreed with your rationale for relief. In keeping with the letter and spirit of the Clarifying Guidance, the Board gave liberal and special consideration to your record of service, and your contentions about any traumatic or stressful events you experienced, and their possible adverse impact on your service. As set forth in the Vazirani Memo, the Board 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 acknowledged that you were diagnosed with a mental health condition and that such mental health condition was the proximate cause of your discharge from service. Thus, the Board considered whether there was an error or an injustice in your diagnosis that such mental health condition was considered a condition, not a disability, and if so, whether it should mitigate or excuse your discharge. Here, the Board considered the available service and medical records from your time and service as well as all the documentation that you provided, and, despite its application of special and liberal consideration, determined that you provided insufficient evidence of an error or injustice in your in-service diagnosis and your resultant discharge. In other words, the documentation and argument that you provided did not tend to demonstrate that your in-service diagnosis was in error or that otherwise it was unjust that you were diagnosed by a medical professional while in service and that such diagnosis resulted in your Honorable discharge from service. The Board also considered whether you be accorded clemency or mitigation based on your in-service mental health diagnosis. On this point, the Board determined that you received an Honorable characterization of service and that your discharge paperwork does not contain any indicia that could be considered negative or otherwise stigmatic. Accordingly, for the foregoing reasons, the Board determined that, despite its application of special and liberal consideration to your record of service in consideration of your mental health condition, no clemency or mitigation is indicated in your record.

After making that determination, the Board then separately assessed your claim of medical unfitness for continued service due to a 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 analyzed whether you should have been placed into the Disability Evaluation System (DES) while you were in service. On this point, the Board determined, as described above, that you provided insufficient evidence that there was an error or injustice in the fact that you were not so referred to the DES and reviewed by the PEB while in service. In reaching its decision, the Board observed that the only new document that you provided appeared to be a post-service medical record, which did not address the diagnosis that you received while you were in-service. The record you provided indicated that you had a suicidal ideation post-service but the Board observed that the document, alone, did not sufficiently support your argument that your adjustment disorder diagnosis while in service was incorrect and that, in fact, your adjustment disorder was chronic. Thus, the Board was unable to find an error or injustice in the fact that you were discharged due to a condition, not a disability.

With respect to your request to have your reenlistment bonus waived or remitted and to be repaid all monies associated with that debt, the Board was unable to agree with your rationale for relief. Specifically, the Board found that you provided insufficient evidence of the existence of an error or injustice warranting cancellation of the recoupment of your reenlistment bonus. The Board was not persuaded by your argument that an injustice exists based simply on the fact a mental health condition led to your inability to complete your obligation.

In sum, in its review and liberal consideration of all of the evidence and its careful application of the Clarifying Guidance, the Board did not find an error or injustice warranting a change in your

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,

8/13/2025

