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

[redacted]
Docket No. 7929-25
Ref: Signature Date

[redacted]

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 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.

A three-member panel of the Board, sitting in executive session, considered your application on 22 April 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 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").

A review of your record shows that you enlisted in the U.S. Navy and commenced active duty on 25 January 2023. In December 2023, five months after reporting to your first submarine, [redacted], you were diagnosed with an adjustment disorder. Just over three months later, you requested administrative separation (ADSEP) from the Navy, stating in your 21 March 2024 request:

> "If I were to stay in the Navy[,] . . . I am scared to be responsible for causing problems for the boat. I feel that I cannot think straight and that this may hurt other people aboard the boat. I feel that I am unable to keep myself safe if I were to stay within the Navy. I do not believe that my condition will impair my ability to find or maintain employment after separation. I agree with my providers who have indicated that they anticipate my symptoms will go away with time following separation."

A month later, two mental health providers (one a clinical psychologist and one a psychiatrist), concurred with your request and recommended your ADSEP. The providers' recommendation stated, in relevant part:

> The service member demonstrates an inability to function effectively in an operational military environment. The organizational disruptions due to the patient's safety risk and occupational inefficiencies require extraordinary demands of unit leadership and negatively affect good order and discipline . . . The Service member has a condition that renders him . . . unsuitable for military service but does not amount to a physical or mental disability . . . The Service member does not have a diagnosis of [PTSD] or [TBI].

On 16 April 2024, your commanding officer, consistent with your request and the providers' recommendation described above, recommended your ADSEP by reason of "Convenience of the Government – Medical Condition not Amounting to a Disability (CND)." On 2 May 2024, Commander, [redacted], approved your ADSEP, and you were discharged honorably on 21 June 2024.

Post-service, the Department of Veterans Affairs (VA) rated you as 70% disabled due to service-connected chronic adjustment disorder with mixed anxiety and depressed mood, effective 22 June 2024.

In your application to this Board, you requested that your naval records be changed to reflect your placement on the Permanent Disability Retired List (PDRL) effective upon your discharge from active duty, and that you receive all associated back pay and benefits dating to the effective date of your medical retirement. In your application, you contend that: (1) your mental health condition rendered you unfit for continued service; (2) you were not fully informed of, nor offered, the option to undergo a Medical Evaluation Board (MEB), despite medical personnel understanding the nature and severity of your condition; and (3) as a result of your lack of an MEB referral, your condition worsened due to the demands and stresses of your work environment.

The Board notes that, in evaluating the official actions of public bodies and officers, it is bound to employ the presumption of regularity. Under that presumption, in the absence of substantial evidence to the contrary, the Board will presume that such public bodies and officers have properly discharged their official duties.

The Board carefully reviewed your application, supporting materials, and military record and ultimately concluded that you failed to meet your burden to prove, by a preponderance of the evidence, that the Navy's actions at the time of your discharge were erroneous (i.e., that the actions materially departed from then-applicable processes or standards, or that judgments made in the course of those actions were irrational) or unjust (i.e., that the actions, though not erroneous, were unjust under the particular circumstances of the case, either at the time or in retrospect).

In reaching its decision, the Board fully considered the Clarifying Guidance and employed the analytical framework outlined in the Vazirani Memo. Under that framework, the Board first

applies liberal consideration to contentions that a mental health condition potentially contributed to the circumstances resulting in discharge to determine whether any discharge relief is appropriate. After making that determination, the Board then separately assesses claims of unfitness for continued service due to a medical condition (including 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.

In your case, you were honorably discharged. You did not request—nor could you have requested—discharge relief, as an honorable discharge is the most favorable characterization of service. Thus, the first step of the Vazirani framework does not apply to your case.

The Board then turned to the second step of the Vazirani framework for its analysis of your request for disability retirement. Here, 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.

The Board considered that in order to be found unfit through the Disability Evaluation System (DES), and thus to qualify for military disability benefits, a service member must be unable to reasonably perform the duties of their office, grade, rank or rating as a result of a qualifying disability that was incurred or aggravated during active military service. In evaluating whether a member can reasonably perform their duties, an evaluating Physical Evaluation Board (PEB) must consider deployability, common military tasks, physical fitness, and special qualifications. Alternatively, a member may be found unfit if: (1) their disability represents a decided medical risk to the health of the member or to the welfare or safety of other members; (2) the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or (3) the member possesses two or more conditions that have the overall effect of causing unfitness even though each condition, standing alone, is not separately unfitting. Some conditions, such as acute adjustment disorders, reflect excessive emotional and behavioral responses to non-traumatic stressors of the military environment, in general, or to a specific assignment. They are thus often considered not permanently disabling, as they typically improve with time after an individual leaves the military environment.

In its review of the entirety of the available record, the Board found that you provided insufficient evidence to overcome the presumption of regularity and to prove, by a preponderance of the evidence, that the Navy erred when it separated you due to CND, instead of referring you to the DES for an evaluation of fitness and potential disability separation or retirement. In reaching this decision, the Board noted that your case file does not contain, and you did not provide any medical records, apart from a bare encounter summary that reports your diagnosis with an adjustment disorder but without any associated clinical details. Further, both your ADSEP request and your medical ADSEP recommendation are partially redacted to obscure any details regarding your diagnosis and symptoms. However, the unredacted portion of your medical ADSEP recommendation unequivocally shows that two mental health providers—a clinical psychologist and psychiatrist—both determined that your adjustment disorder (though sufficiently severe as to significantly impair your ability to function effectively in the military environment) did not amount to a disability, and ADSEP was appropriate in your case. Because the contemporaneous medical evidence in support of your claim for retirement due to a service-connected mental health disability is so limited, and two Navy providers' contemporaneous

professional assessments (i.e., that your adjustment disorder constituted a CND) contradict your current claims, the Board concluded that you failed to meet your burden to show that your ADSEP due to CND was erroneous.

The Board also considered that the VA rated you as 70% disabled due to service-connected chronic adjustment disorder with mixed anxiety and depressed mood. However, in your application to this Board, you did not include the VA's written rationale for its service-connection and rating decision, a transcript of your VA Compensation and Pension examination, or any records (medical or otherwise) that the VA reviewed in making its determination. Thus, in the absence of the above-mentioned substantiating records, the Board gave more weight to the in-service assessments of two Navy mental health providers that your mental health condition was CND, as opposed to the VA's assessment that your condition amounted to a service-connected disability.

In sum, following its review of the evidence, the Board found that you failed to meet your burden to prove, by a preponderance of the evidence, that the Navy's actions at the time of your discharge were erroneous. Then, having found the Navy's action in this case not to be erroneous, the Board turned its attention to whether those actions were unjust, despite being appropriate under then-applicable standards and procedures. The Board found that you failed to show, by a preponderance of the evidence, that the unique circumstances of your case were such that a formally correct action nevertheless resulted in injustice.

The Board therefore concluded that there is no probable material error, substantive inaccuracy, or injustice warranting corrective action. 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,

5/5/2026

[redacted]