



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

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Docket No. 8623-25
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 27 March 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. 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 on 21 September 2009.
2. Upon commencing basic training, you reported excessive anxiety symptoms and were evaluated in the Mental Health Department at the Naval Health Clinic. On 26 October 2009, you were diagnosed with an Anxiety Disorder, NOS, that existed prior to service.
3. Consequently, you were notified that you were being recommended for administrative discharge from the Navy by reason of erroneous enlistment due to your diagnosed anxiety disorder. You were advised of, and waived, your procedural rights, which included your rights

to consult with legal counsel and to submit a written statement. Ultimately, 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 5 November 2009.

In your application to this Board, you express a desire for your uncharacterized discharge be changed to Honorable and contend that:

1. You were discharged shortly after enlisting due to mental health struggles that emerged during initial training.
2. You experienced a broken hand leading to surgery followed by a nervous breakdown and was unfit to continue, but you had no disciplinary actions and showed commitment to serve.
3. You believe your discharge should reflect your honorable intent and effort.
4. You were unaware of your right to seek and upgrade.
5. You suffered from a mental health crisis and believe your brief service and effort deserves and upgrade.

After careful review, the Board reached the following conclusions and denied your application for relief.

The Board initially concluded you were appropriately assigned an uncharacterized entry-level separation based on your time in service. The Board noted you do not dispute your active duty service time. Therefore, the Board determined the presumption of regularity applies to your administrative separation and no error exists with your record.

However, because you raised the issue of mental health, the Board also 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 AO on 15 January 2026. The AO noted in pertinent part:

There is evidence that the Petitioner was diagnosed with Anxiety Disorder NOS and Personality Disorder traits. He did not disclose his pre-service symptoms during his enlistment. He submitted post-service evidence of a variety of mental health conditions. Unfortunately, his pre-service mental health conditions appear to have continued to current.

The AO concluded, "Based on the available evidence, it is my clinical opinion that there is sufficient evidence of Anxiety Disorder and Personality Disorder traits that were diagnosed in service and existed prior to service. There is insufficient evidence that his 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 injury, 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 that your mental health condition 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 the circumstances of your separation or uncharacterized entry-level separation were excused or mitigated by your mental health condition.

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 including your claimed injury, the negative effect your discharge has had on your life, the evidence you provided in support of your application, 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. In particular, the Board noted that service regulations direct the assignment of an uncharacterized entry-level separation for service members processed for separation, as you were, within their first 180 days of active duty. While there are exceptions to this policy, the Board found that none applied to you based on the circumstances of your separation. In reviewing the circumstances of your case, the Board was unable to discern any facts that were extraordinary or uniquely different from countless of other former service members who were discharged while in an entry level status. While the Board acknowledged your commendable post-service accomplishments and desire for a discharge upgrade, it determined the Department of the Navy's interest in maintaining consistency in its personnel system outweigh those mitigation factors. Therefore, the Board concluded an upgrade of your discharge characterization of service is not 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,

4/20/2026

