



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

█
Docket No. 8915-25
Ref: Signature Date

█
█
█

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 18 February 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. The Board also considered the entirety of your prior case that you filed with this Board, Docket No. 6682-22, for which you were provided partial relief on 22 December 2022.

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.

A review of your record reveals that you enlisted in the Navy and commenced active duty on 17 December 1996. On 17 October 1997, you received nonjudicial punishment for an 18-day unauthorized absence. On 26 November 1997, you were discharged due to personality disorder and assigned a general characterization of service.

You previously filed a prior case with this Board in which you requested an upgrade to an Honorable discharge and a change to your reentry code. In order to assist it in reviewing your request, the Board obtained an AO. Even though you were provided an opportunity to respond to the AO, you chose not to do so at that time. The AO stated in pertinent part:

The Petitioner contends that he suffered from a mental health condition during service which may have mitigated the circumstances of his discharge. He stated that he is 100% service connected for Major Depressive Disorder and does not believe that the diagnosis of personality disorder was accurate. Active duty medical records are not available for review, however the Petitioner noted on a Report of Medical History dated November 1997, "I went to mental health because of problems with the command." There is no evidence that he was diagnosed with a mental health condition in military service, or that he exhibited any psychological symptoms or behavioral changes indicative of a diagnosable mental health condition. He has provided no medical evidence in support of his claims. Unfortunately, his personal statement is not sufficiently detailed to establish clinical symptoms or provide a nexus with his misconduct.

The AO concluded, "it is my considered clinical opinion there is insufficient evidence of a mental health condition that may be attributed to military service. There is insufficient evidence that his misconduct could be attributed to a mental health condition."

The Board considered your prior application, on 22 December 2022, and voted to deny your request for an upgrade to your discharge. However, it granted partial relief by correcting your narrative reason for separation from personality disorder to Secretarial Authority, in order to remove any stigma that may be associated with such a narrative reason. In reaching its decision to deny your request for a discharge upgrade and reentry code change, the Board explained that it applied special and liberal consideration to your assertions of a mental health condition. It also considered the aforementioned AO which, as noted, was considered unfavorable to your request. The Board informed you of its decision by letter dated 13 January 2023. With respect to its decision to deny your request to upgrade your characterization of service and change your reentry code, the Board explained:

Regarding Petitioner's request to upgrade his characterization of service, the Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in his case in accordance with Kurta, Hagel, and Wilkie Memos. These included, but were not limited to, his desire for a discharge upgrade and contentions that he suffered from depression issues during military service, he is 100% service connected for major depressive disorder, and he believes that his diagnosis of a personality disorder was inaccurate.

Based upon this review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that Petitioner's misconduct, as evidenced by his NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of his misconduct against the brevity of his service. Further, the Board concurred with enclosure (4) [the AO] that there is insufficient evidence his misconduct could be attributed to a mental health diagnosis. Additionally, the Board noted that there is no evidence in his record, and he submitted none, to support his contentions.

As a result, the Board concluded significant negative aspects of Petitioner's active service outweighed the positive aspects and continues to warrant a GEN characterization. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants upgrading Petitioner's characterization of service or granting an upgraded characterization of service as a matter of clemency or equity. Similarly, the Board determined that Petitioner's reenlistment code should remain unchanged based on his record of misconduct and unsuitability for further military service.

In your current petition, you requested to have your discharge changed to reflect that you received a medical discharge, that you receive retroactive benefits, and that your records reflect you were diagnosed with Major Depressive Disorder. In support of your request, you argued that you were discharged due to personality disorder but that it was actually Major Depressive Disorder. You provided documentation that, post-service, you were awarded several service connected disabilities by the Department of Veterans Affairs (VA) and also included a variety of records, including those for mental health treatment, from the VA.

The Board carefully reviewed your contentions and the material that you submitted in support of your request and the Board determined that it found no error or injustice in your naval records. In reaching its decision, the Board observed that, in order to qualify for military disability benefits through the Disability Evaluation System (DES) with a finding of unfitness, a service member must be unable to perform the duties of their office, grade, rank or rating as a result of a qualifying disability condition. Alternatively, a member may be found unfit if their disability represents a decided medical risk to the health or the member or to the welfare or safety of other members; the member's disability imposes unreasonable requirements on the military to maintain or protect the member; or the member possesses two or more disability conditions which have an overall effect of causing unfitness even though, standing alone, are not separately unfitting. In addition, 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.

In your case, the Board was unable to find any evidence to support that there was an error or an injustice in your naval record. In reaching its decision, the Board considered that in its review of your prior application, it obtained an AO, which was prepared in the context of your request for discharge-related relief. The Board reaffirmed that it substantially concurred with the findings of the AO. The Board also considered that, in its review of your prior application, it applied special and liberal consideration to your request for discharge-related relief. Thus, in your current petition seeking a disability retirement, this Board focused solely on whether your condition, which was diagnosed post-service, rendered you unfit while you were in service in accordance with the 4 April 2024 Memorandum from the Under Secretary of Defense, which provides clarifying guidance to this Board (Vazirani Memo). A copy of the memo was provided to you for comment on 25 August 2025.

On this point, the Board was unable to find sufficient evidence that you were considered to be unfit within the meaning of the DES while you were in service. In fact, in its review of all available materials, the Board was unable to find any indicia, and you did not provide any, that

while you were on active duty, your command suggested that your performance was impacted by any apparent disability conditions for which you should have been evaluated by a Medical Evaluation Board (MEB) and referred to the DES for determination as to whether any such conditions were unfitting for your continued service in the Navy. The Board also observed that your service medical records did not contain, nor did you provide any, evidence that any of your treating providers recommended that you referred for review by a MEB. In sum, the Board was unable to find any evidence from when you were on active duty that suggested there was any error in your separation from the Navy or that you otherwise should have been placed into the DES.

You have provided post-service findings by the VA relating to a variety of conditions and argue that these post-service conditions evidenced that you were unfit during your active duty service. The Board was not persuaded by this argument. On this point, the Board observed that the VA does not make determinations as to fitness for service as contemplated within the service disability evaluation system. Rather, eligibility for compensation and pension disability ratings by the VA is tied to the establishment of service connection and is manifestation-based without a requirement that unfitness for military duty be demonstrated. In light of the foregoing, the Board was unable to find an error or injustice in your naval 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,

3/11/2026

