



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 8455-00
14 November 2001

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: FORMER [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his naval record be corrected to show that he received a "medical discharge", vice a discharge by reason of a personality disorder.

2. The Board, consisting of Ms. Davies and Messrs. Bishop and Novello reviewed Petitioner's allegations of error and injustice on 4 October 2001 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy on 26 February 1999. On 20 August 1999, he was diagnosed as suffering from an adjustment disorder, and recommended for expeditious administrative separation. He was discharged on 10 September 1999, by reason of a personality disorder. On 13 April 2000, the Department of Veterans Affairs denied his request for service connection for an acute psychosis, tension headaches and otitis media.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's discharge by reason of a personality disorder was improper, because he had been diagnosed as suffering from an adjustment disorder, rather than a personality disorder. The Board also concludes that although it is clear that Petitioner unsuitable for service because of the effects of the adjustment disorder, he was not unfit to perform the duties of his rate by reason of physical disability which was incurred in or aggravated by his naval service.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 10 September 1999, he was discharged by reason of physical or mental condition, not a disability, interfering with the performance of duty.

b. That so much of his application as exceeds the foregoing be denied.

c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director