



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

SMS
Docket No: 4475-08
6 February 2009

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

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

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

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, applied to this Board requesting a general discharge vice the other than honorable (OTH) discharge that was issued on 23 August 1988.

2. The Board, consisting of Ms. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 4 February 2009, 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. Although Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. On 17 November 1986, Petitioner enlisted in the Navy at age 28. On 31 March 1988, she was in an unauthorized absence (UA) status during the morning and received a psychiatric evaluation on that same day as a result of a suicidal gesture.

The evaluation diagnosed her as having a mixed personality disorder, found her fit for duty, but unsuitable for handling weapons. She received psychiatric treatment during April 1988, for the diagnosed personality disorder as well as for an adjustment disorder. At that time, she was advised to continue her participation in psychiatric treatment and coping groups.

d. On 13 and 25 May 1988, Petitioner had nonjudicial punishment (NJP) for a day of UA and failure to obey a lawful order. Suspended punishment from the NJP dated 13 May 1988 was also vacated. On 25 May 1988, she was counseled regarding her offenses and personality disorder, and warned that further infractions could result in disciplinary action or an OTH discharge. On 31 May 1988, she had NJP for disobedience of a lawful order.

e. On 1 June 1988, Petitioner's commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing, she acknowledged that separation could result in an OTH discharge and waived the right to have her case heard by an administrative discharge board (ADB). On 11 August 1988, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 23 August 1988, she was so discharged. At that time her overall trait and military behavior mark averages were 2.9 and 2.8, respectively.

f. Petitioner states in essence that she had personal problems during her time in the Navy and made poor decisions. She further states that she has suffered from depression throughout her life and has been an asset to the service through her support of her military spouse and his commands during the past 20 years.

g. Regulations authorize issuance of an OTH or general discharge for members discharged by reason of misconduct due to a pattern of misconduct. Regulations also authorize a convenience of the government discharge due to a personality disorder for members who are diagnosed with a personality disorder and are found unsuitable for further service. Characterization of service for members who are discharged by reason of convenience of the government is determined as warranted by their service record and may result in no less than a general characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants relief. Specifically, the Board notes that her discharge by reason of misconduct due to a pattern of misconduct met the requirements established by regulations, but finds that she should have been discharged by reason of convenience of the government due to a personality disorder. In this regard, a suicidal gesture was documented and she was diagnosed as having a mixed personality disorder and an adjustment disorder, and found unsuitable to handle weapons well before she had NJP. Although the psychiatric evaluation stated that she was fit for some duty, the Board believes that given her suicidal gesture and unsuitability to handle weapons, she was unsuitable for further service. Given her disciplinary actions and overall trait and behavior mark averages, the Board finds that her service warranted a general characterization of service. Therefore, the Board concludes that her discharge should be changed to general by reason of convenience of the government due to a personality disorder.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that she was separated with a general discharge on 23 August 1988, vice the OTH discharge issued on that date.

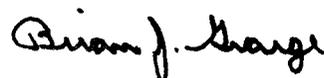
b. That Petitioner's naval record be further corrected to show that she was discharged by reason of convenience of the government due to a personality disorder, vice by reason of misconduct due to a pattern of misconduct.

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

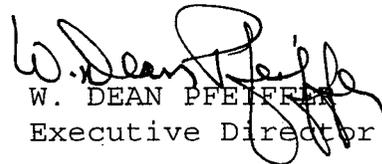
d. That upon request, the Department of Veterans Affairs be informed that Petitioner's application was received by the Board on 8 May 2008.

4. 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


BRIAN J. GEORGE
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 Regulation, 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