



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

TJR
Docket No: 9414-08
30 July 2009

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

Subj: REVIEW NAVAL RECORD OF EX [REDACTED]

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

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the Navy, filed enclosure (1) with this Board requesting that the characterization of his discharge and narrative reason for separation be changed.

2. The Board, consisting of Mr. [REDACTED], Ms. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 28 July 2009 and, pursuant to its regulations, determined that the partial 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 it appears that enclosure (1) 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. Petitioner enlisted in the Navy on 11 July 1990 at the age of 19, began a period of active duty on 19 July 1990, and served without disciplinary incident.

d. In February 1992 Petitioner was referred for a psychiatric evaluation because of his suicidal ideation, specifically, stating that he wanted to cut his throat. He was diagnosed with an adjustment disorder and a severe longstanding borderline personality disorder that existed prior to his enlistment, and rendered him incapable of serving adequately. The psychiatric report stated, in part, that he was a continuing risk to himself, others, and government property; should not be permitted to perform duties involving use of weapons, ordnance, or government vehicles; and would continue to have difficulty adapting to military service. He was also removed from his shipboard environment because of the diagnosed personality disorder.

e. During the period from 18 to 27 February 1992 Petitioner was administratively processed for separation by reason of convenience of the government due to a physical or mental condition as evidenced by the diagnosed personality disorder. On 28 February 1992 he was issued a general discharge under honorable conditions.

f. At the time of Petitioner's discharge his conduct average of 3.2 was sufficiently higher than the average mark of 3.0 required for a fully honorable characterization of service.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants partial favorable action.

The Board's finding is based on Petitioner's overall satisfactory record of service without disciplinary incident, length of service, and periodic conduct marks. In this regard, the Board notes that his conduct average exceeded the requirement for a fully honorable characterization of service. Based on the foregoing the Board concludes that no useful purpose is served by continuing to characterize Petitioner's service as having been under honorable conditions, and recharacterization to a fully honorable discharge is appropriate.

The Board further concludes that Petitioner was properly diagnosed with a personality disorder that existed prior to his enlistment, and that this condition rendered him unfit for further service. As such, the Board concludes that the narrative reason for separation is proper and should not be changed.

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

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 28 February 1992 vice being issued the general discharge under honorable conditions on the same day.

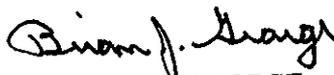
b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

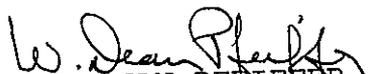
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

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