



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

█
Docket No: 5205-20

Ref: Signature Date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER █ USN,
XXX-XX-█

Ref: (a) 10 U.S.C. §1552
(b) USD memo, "Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment," of 25 August 2017
(c) SECDEF memo, "Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD," of 3 September 2014
(d) USD memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," of 25 July 2018

Encl: (1) DD Form 149 w/attachments
(2) Certificate of Release or Discharge from Active Duty ICO █
(3) Case summary

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected by making several specific changes and corrections to his Certificate of Release or Discharge from Active Duty (DD Form 214), enclosure (2). As set forth in detail below and the enclosure (3) case summary, the Board recommended granting him the relief he requested.

2. The Board, consisting of █ and █ reviewed Petitioner's allegations of error and injustice on 26 April 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of Petitioner's application together with all material submitted in support thereof, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, and references (b) through (d), namely, the 25 August 2017 guidance from the Undersecretary of Defense for Personnel and Readiness regarding requests by Veterans for modifications of their discharges due to mental health conditions, sexual assault, or sexual harassment (Kurta Memo), the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder

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(PTSD) (Hagel 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). Additionally, the Board also considered a 2 April 2021 advisory opinion (AO) furnished by a qualified mental health provider.

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

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

b. The Petitioner enlisted in the Navy on 1 July 1981. On 1 March 1982, he received nonjudicial punishment for two periods of unauthorized absence and disobeying the order of a noncommissioned officer. On 8 March 1982, the Petitioner was notified that he was being administratively separated from the Navy with an honorable discharge due to unsuitability and for being a burden to his command. The Petitioner did not object to his discharge. On 10 March 1982, his commanding officer recommended to the separation authority that the Petitioner be discharged. On 31 March 1982, the Petitioner was discharged with an honorable characterization of service.

c. The DD Form 214 that the Petitioner received has several areas that the Petitioner contends are incorrect, as follows:

i. It contains the incorrect last four digits of his social security number. The version in the Petitioner's naval records has a pen and ink correction (the correct last four digits with the incorrect digits crossed out). The Petitioner requests that this be corrected.

ii. It does not contain a characterization of service. Rather, it currently reads "Refer to DD Form 215N," the DD Form 215N does reflect an honorable characterization of service. The Petitioner requests that his characterization of service be included on the first page or his DD Form 214 and not on a separate attachment.

iii. It contains the narrative reason "Unsuitability – Apathy, Defective Attitudes or Inability to Expend Effort Constructively." The Petitioner requests that this be changed to reflect a medical diagnosis (bipolar disorder) or Secretarial Authority.

iv. It contains the separation code "GMJ/818," which is for "motivational problems/failure to complete alcohol rehabilitation," which was later changed on the DD Form 215 to "JHJ" for "unsatisfactory performance/unsuitability." The Petitioner requests that this separation code be changed to one that reflects either a medical diagnosis (bipolar disorder) or Secretarial Authority.

d. In light of the Petitioner's assertion and evidence that he had bipolar disorder, which impacted his ability to serve in the Navy, the Board obtained the 2 April 2021 AO. According to the AO, the "Petitioner provided ample documentation he suffered from undiagnosed Bipolar Disorder during his military service." The AO concluded that there is "sufficient evidence that the Petitioner exhibited behaviors associated with a mental health condition during his military

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service and his misconduct may be mitigated by his mental health condition.”

CONCLUSION

Upon review and consideration of all the evidence of record, the Board determined that there exists an error or injustice warranting relief. The Board observed that the Petitioner’s DD Form 214 in official records contains the wrong social security number with a pen and ink correction, and that his characterization of service is on a separate correction form. The Board also agreed that in light of the finding of the AO, and in order to remove any stigma, his narrative reason for separation and separation code should be changed to Secretarial Authority. Accordingly, based on a careful review of all of the facts presented, the Board concludes that Petitioner is entitled to relief as follows.

RECOMMENDATION

In view of the above, the Board directs the following corrective action:

Petitioner be issued a new DD Form 214 with his social security number corrected (last four digits 5602 as set forth on his enclosure (1) DD Form 149), with his honorable characterization of service noted in the proper space on the front of the document, that his narrative reason for separation is Secretarial Authority, JFF is the SPD code, and

That no further changes be made to Petitioner’s record.

A copy of this report of proceedings shall be filed in 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.

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 the reference, has been approved by the Board on behalf of the Secretary of the Navy.

4/30/2021

[REDACTED]

Executive Director

Signed by: [REDACTED]