



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

██████████
Docket No: 8671-20
Ref: Signature date

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

Subj: REVIEW OF NAVAL RECORD OF FORMER MEMBER ██████████,
USN, ██████████

Ref: (a) 10 U.S.C. § 1552
(b) USD Memo, "Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations," 25 July 2018

Encl: (1) DD Form 149 with attachments
(2) DD Form 214
(3) Medical Officer Memo, subj: [Petitioner], 9 Aug 90
(4) ██████████ CO Memo Ser 13/00593, subj: Notice of a Notification Procedure Proposed Action, 13 Aug 90
(5) Petitioner's Memo, subj: Statement of Awareness and Request for, or Waiver of Privileges, 13 Aug 90
(6) ██████████ CO Memo, subj: [Petitioner] Recommendation for Separation due to Borderline Personality Disorder, 7 Sep 90
(7) ██████████ Letter, re: DD 140 Application of Military Correction Record Addendum, 14 Jan 21
(8) BCNR Memo, subj: Advisory Opinion ICO [Petitioner], 7 May 2021

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 her characterization of service be upgraded to honorable and that her narrative reason for separation be changed.

2. The Board reviewed Petitioner's allegations of error or injustice on 28 July 2021 and, pursuant to its regulations, determined that the corrective action indicated below should be taken. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies, to include reference (b).

3. The Board, having reviewed all of the facts of record pertaining to Petitioner's allegations of error or 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.

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b. Although enclosure (1) was not filed in a timely manner, it is in the interests of justice to review Petitioner's application on its merits.

c. Petitioner enlisted in the Navy and began a period of active duty service on 28 November 1989. See enclosure (2).

d. On 31 July 1990, Petitioner was evaluated by [REDACTED] Mental Health. By memorandum dated 9 August 1990, the medical officer informed Petitioner's command that Petitioner manifested a longstanding disorder of character and behavior of such severity as to render her incapable of serving adequately in the Navy. The medical officer stated that Petitioner represents a continuing risk to herself or others if retained in the Naval Service, and recommended that administrative separation be initiated as expeditiously as possible. See enclosure (3).

e. By memorandum dated 13 August 1990, Petitioner was notified that she was being recommended for administrative separation by reason of Borderline Personality Disorder. See enclosure (4).

f. By memorandum dated 13 August 1990, Petitioner waived her right to counsel and to request a hearing before an administrative discharge board. See enclosure (5).

g. On 24 August 1990, Petitioner was discharged from the Navy with a general (under honorable conditions) characterization of service by reason of "Other Physical/Mental Conditions – Personality Disorders." See enclosure (2).

h. On 5 January 2021, Petitioner was evaluated by a licensed clinical psychologist. This mental health profession opined in a letter to the Board, dated 14 January 2021, that the symptoms described by Petitioner which resulted in her diagnosis with a personality disorder in 1990 were more likely an Acute Stress Disorder and a panic attack based upon her fear of going to a war zone along with a verbal threat made by a male shipmate. This provider explained that Petitioner was overwhelmed by these experiences, leading to significant anxiety, fear and stress that lead to her psychological evaluation and subsequent discharge from the Navy. See enclosure (7).

i. Petitioner contends that she became stressed and overwhelmed by the idea of going to war upon the commencement of Operation Desert Storm. She also contends that one of her male shipmates threatened that he would drown her in the event that they had to abandon the ship. She heard a rumor that she could get out of the Navy by "getting pregnant" or by being mentally impaired. Accordingly, she asked to speak to a psychologist, took a mental health assessment, and was then informed that she would be discharged for mental conditions/personality disorder due to her answers on the assessment. Petitioner reports that she recently retired from a 30+ year teaching career, that she earned a Master of Education degree from Regent University, and that she has been accepted into an MBA program. She requests forgiveness for her poor judgment/dishonesty, and requests a less severe reason for discharge so that she can teach with the Department of Defense Education System at Quantico. See enclosure (1).

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j. Petitioner's application and record were reviewed by a qualified mental health professional, who provided an advisory opinion (AO) for the Board's consideration. The AO noted that Petitioner presented to her in-service mental health evaluation complaining of job dissatisfaction and increased stress, and described being older and better educated than her immediate seniors, and that she thought she was in a "dead end situation." She expressed wanting out of the military and stated, "I'll do anything to get out." She was diagnosed with Occupational Problems, Adjustment Disorder with mixed emotional features, and personality disorder (dependent, avoidant, narcissistic traits). The AO found Petitioner was appropriately referred for a psychological evaluation during her enlistment and was properly evaluated over two clinical encounters. Furthermore, the AO found that although Petitioner presents with a contradictory psychological evaluation 30 years after her discharge, this evaluation was counter to the evidence contemporary to her military service. The AO concluded that Petitioner's narrative reason for discharge and characterization of service appeared appropriate given her mental health diagnoses based on the clinical history provided to the mental health clinician.¹ See enclosure (8).

MAJORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Majority of the Board determined that full relief is warranted in the interests of justice.

The Majority found no error in Petitioner's discharge with a general (under honorable conditions) for a personality disorder. In this regard, the Board agreed with the findings of the AO, and found no reason to question Petitioner's in-service diagnosis with a personality disorder. The Board simply found the diagnosis rendered by qualified mental health professionals who evaluated her at the time to carry more weight than one provided over 30 years later based only upon Petitioner's description of her conditions, and noted that the AO found that it is typical for a personality disorder to improve after removal from the restrictive and demanding military environment. As a general (under honorable conditions) characterization of service was authorized for personality disorder separations at the time, the Majority found no error in Petitioner's discharge or characterization of service.

The Majority also considered the totality of the circumstances to determine whether relief is warranted in the interests of justice in accordance with reference (b). In this regard, the Majority considered, among other factors, that there was no misconduct in Petitioner's record upon which to justify any characterization of service less than fully honorable; that Petitioner reportedly experienced anxiety and fear related to a purported threat made by a fellow Sailor at the time of her mental health diagnosis; that Petitioner would not be separated under similar circumstances today; the remorse that Petitioner expressed for her judgment and dishonesty at the time; Petitioner's impressive post-service record of professional and academic accomplishment, including her 25 year career as a teacher in the [REDACTED] Public School District; and the passage of time since Petitioner's discharge. Given the totality of the circumstances, the Majority determined that Petitioner's characterization of service should be upgraded to honorable in the interests of justice. There simply was no misconduct present in Petitioner's

¹ This AO was provided to Petitioner for comment, but no response was received within the 30 period provided for such comments.

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record to justify anything less. While she apologized for her dishonesty at the time, suggesting that she may have lied during her evaluation to obtain a diagnosis of a mental health condition that would warrant her discharge, she was separated solely for a personality disorder that was diagnosed by a Navy mental health provider and her service was characterized solely based upon that diagnosis. Further, Petitioner would not have been involuntarily separated under similar circumstances today, much less separated with a characterization of service less than honorable. Whether Petitioner's personality disorder diagnosis in 1990 was correct or not seems irrelevant to the Majority with regard to her proper characterization of service. In the absence of evidence of any justification for a characterization of service less than fully honorable, along with Petitioner's long record of service to community, the Majority found that her characterization of service should be upgraded to fully honorable in the interests of justice.

In addition to determining that Petitioner's characterization of service should be upgraded to fully honorable, the Majority also determined that Petitioner's narrative reason for separation, along with her corresponding separation authority and separation code, should be changed to reflect "Secretarial Authority." The Majority found that Petitioner's current narrative reason for separation has the potential to result in undue discrimination, and therefore should be changed in the interests of justice.

MAJORITY RECOMMENDATION:

In view of the above, the Majority of the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner be issued a new DD Form 214 reflecting that her service was characterized as "Honorable," that the narrative reason for her separation was "Secretarial Authority," that her separation authority was "MILPERSMAN 1910-164," and that her separation code was "JFF."

That Petitioner be issued an Honorable Discharge certificate.

That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further corrective action be taken on Petitioner's naval record.

MINORITY CONCLUSION:

Upon careful review and consideration of all of the evidence of record, the Minority of the Board found insufficient evidence of any error or injustice warranting relief.

The Minority concurred with the Majority conclusion that there was no error in Petitioner's discharge for a personality disorder or in her characterization of service, as the diagnosis made by Navy mental health providers at the time appears valid and such a characterization was authorized under the circumstances at the time. The Minority disagreed with the Majority conclusion, however, that relief is warranted in the interests of justice. Under normal circumstances, the Minority would be inclined to find that a general (under honorable circumstances) characterization of service issued solely due to a personality disorder, with no

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underlying misconduct, should be upgraded. However, in this case, Petitioner has essentially admitted that she lied to her mental health provider for the specific purpose of escaping her commitment to the Navy. That she apparently did this during a time of war made her actions even less honorable, and negated the other potentially mitigating factors in the view of the Minority. All Sailors experience fear and anxiety when deployed into potentially dangerous situations. The Minority did not believe that the interests of justice would be served by rewarding Petitioner, who dealt with this fear and anxiety with dishonesty to avoid fulfilling her duties, with the same characterization of service that was received by the thousands of other Sailors who served honorably despite their fears and anxiety.

Although the Minority did not believe that Petitioner's characterization of service should be upgraded given the totality of the circumstances, it concurred with the Majority that Petitioner's narrative reason for separation should be changed so that she does not face discrimination for a mental health condition.

MINORITY RECOMMENDATION:

In view of the above, the Minority of the Board recommends that the following corrective action be taken on Petitioner's naval record:

That Petitioner be issued a new DD Form 214 reflecting that the narrative reason for her separation was "Secretarial Authority," that her separation authority was "MILPERSMAN 1910-164," and that her separation code was "JFF."

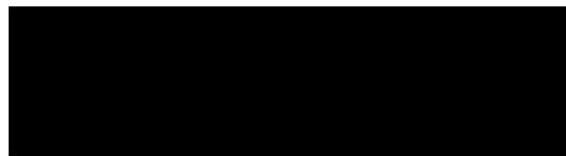
That a copy of this report of proceedings be filed in Petitioner's naval record.

That no further corrective action be taken on 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 titled matter.

5. The foregoing action of the Board is submitted for your review and action.

8/12/2021



Executive Director

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ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DECISION:

~~MAJORITY Recommendation Approved (Full Relief – Upgrade to Honorable; Change
Narrative Reason for Separation)~~

MINORITY Recommendation Approved (Partial Relief – No Change to Characterization of
Service; Change Narrative Reason for Separation)

~~Board Recommendation Disapproved (Deny Relief)~~

10/31/2021

[REDACTED]

Assistant General Counsel (M&RA)

[REDACTED]