



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

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Docket No: 3209-21  
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although you did not file your application in a timely manner, the statute of limitations was waived in accordance with the 25 August 2017 guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (Kurta Memo). A three-member panel of the Board, sitting in executive session, considered your application on 3 December 2021. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include to the Kurta Memo, the 3 September 2014 guidance from the Secretary of Defense regarding discharge upgrade requests by Veterans claiming post-traumatic stress disorder (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). The Board also considered the advisory opinion (AO) furnished by a qualified mental health provider which was previously provided to you. Although you were afforded an opportunity to submit a rebuttal, you did not do so.

You enlisted in the Navy and began a period of active duty on 9 January 1962. On 21 May 1963, you were counseled for weighing in excess of required Navy weight standards. On 18 September 1963, you were arrested by civil authorities for drunk and disorderly behavior. Although those charges were dropped and a later medical report indicates that the cause for your behavior which led to that arrest was due to an intentional overdose of aspirin, this incident occurred during a period of unauthorized absence (UA). As a result, you received nonjudicial punishment on 23 September 1963 for being absent without a liberty pass. While serving 30 days of restriction, you again absented yourself without authority on 11 October 1963. At some point during your

absence, you were admitted by a civilian hospital, treated for self-inflicted injuries, and transferred to a naval hospital for further treatment and observation of what your records indicate as mild depression as a result of having recently, at that time, broken up with a girlfriend due to having different religious backgrounds. On 7 November 1963, after a period of observation by a conference of staff psychiatrists who noted that you were assigned routine duties for your rating with minimal stress, you were diagnosed with a personality disorder, emotional instability reaction, demonstrated by lifelong evidence of emotional immaturity and moodiness manifested through a fluctuating attitude toward other people and situations as result of poorly controlled feelings of anger, guilt and anxiety. Following this diagnosis, you again received nonjudicial punishment for your absence from 11 – 16 October 1963 and remained restricted to the naval hospital pending the report of a board of medical survey (medical board). The medical board noted that you had entered the service in the hopes of finding maturity because you did not know what else to do, had begun to feel like you were getting nowhere, and were feeling even worse than before you had entered service. The medical board diagnosed you as having an Emotionally Unstable Personality, which rendered you permanently unsuitable for military service. The medical board informed you of its diagnosis and recommendation, and you elected not to submit a rebuttal, and you were discharged on 26 November 1963 for unsuitability due to personality disorder with a characterization of service of General, Under Honorable Conditions with a final overall trait average of 3.2 and military behavior average of 2.7.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warranted relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge, and your contentions that you do not have much longer to live and would like to leave the world as an honorable member of the Navy, and you started to suffer depression during your enlistment, which resulted in the actions which led to your admission to the psychiatric ward and subsequent discharge for unsuitability due to personality disorder. In reviewing your contention of suffering a mental health (MH) condition, and in the absence of any post-service clinical records or diagnosis which might support your contentions of an MH condition, the Board applied liberal consideration to evidence which might support the existence of conditions occurring in-service and also considered the AO in making its determination. The AO found that your in-service records indicate a personality disorder diagnosis, which suggests that you were not suitable for military service, but which does not constitute an MH condition of the nature which might excuse or mitigate your misconduct. The AO noted that, although the diagnosis rendered at the time of the medical board is not currently in use, there is no evidence that the findings of the medical board, comprised of staff psychiatrists, was incorrect in assessing that your personality disorder rendered you unsuitable for military service, and there is no evidence to support a contention that your misconduct of repeated UAs.

In its deliberations, the Board concurred with the AO's assessment that your records contained insufficient evidence to establish that you suffered from a mental health condition incurred during your military service or that negative aspects of your in-service performance and conduct could be excused or mitigated by such condition. The Board noted that the AO did not specifically address the additional negative performance factor of your weight control counseling and independently reviewed that additional negative factor. The Board determined, consistent with the AO's analysis regarding mitigation of your misconduct, that this additional negative

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performance factor was not mitigated by a mental health condition. The Board further observed that the narrative reason for your discharge on the basis of unsuitability due to a personality disorder was neither erroneous nor unjust. Based upon this review, the Board concluded that the potentially mitigating factors you contended were insufficient to warrant the requested relief at this time. Specifically, the Board determined that your discharge on the basis of unsuitability due to a personality disorder was proper and that your discharge under honorable conditions reflects your honest and faithful service in which the positive aspects of your performance and conduct outweigh the negative aspects documented in your service record. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

1/11/2022

[REDACTED]

Executive Director

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